

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 E/S High Falcon Road, 140 ft.
 N of c/l Bryanstone Road * ZONING COMMISSIONER
 211 High Falcon Road
 4th Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District
 Ellen Ruth Kilgore * Case No. 96-47-A
 Petitioner
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 211 High Falcon Road in the Country Club Estates subdivision of Baltimore County. The Petition is filed by Ellen R. Kilgore, property owner. Variance relief is requested from Sections 1B02.3.B (211.3) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 1 ft. 6 inches, and a sum of side yard setbacks of 14 ft. 9 inches in lieu of the required 8 ft. and 20 ft., respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

This Petition was initially filed as an Administrative Variance pursuant to Section 26-207 of the Baltimore County Code. That section allows variance relief to be granted for residential property without a public hearing in some circumstances. However, in this case, a request for public hearing was received from an adjacent property owner, Carolyn Bator. Thus, the matter was scheduled for public hearing and same was convened on October 18, 1995.

Appearing at the requisite public hearing held for this case was the aforementioned property owner, Ellen R. Kilgore. Also appearing in support of the Petition was Diane Marcum. Appearing in opposition to the

ORDER RECEIVED FOR FILING

Date

By

10/31/95
 M. G. Hark

MICROFILMED

request was the aforementioned Carolyn Bator, Barbara Doarnberger and Alicia Doarnberger.

Testimony and evidence presented was that the subject property is approximately .016 acres in area, zoned D.R.5.5. As noted above, this is a residential property located within the Country Club Estates subdivision in northwest Baltimore County. The property is improved with an existing single family dwelling. To the rear of the dwelling is a small shed and a pool.

The subject variance results from the construction of an addition on the side of the dwelling. Ms. Kilgore testified that the interior of the dwelling is very small. She resides therein with Ms. Marcum and indicated that her sister may come to live with her in the future. In order to accommodate three adults, the Petitioner had constructed an addition to the side of the house. The addition is 12 ft. wide and 21 ft. deep. It is similar in appearance to a sun room/3 season room. The Petitioner indicated that the room would be used as a family room and be utilized year round. She noted that the additional space required could not be added to other sides of the structure.

Ms. Bator objects to the room which apparently was constructed without the benefit of a permit. She notes that the houses are very close together in this area. Her house is but 13 ft. 8 inches from the property line and approximately 15 ft. from the side wall of the addition. She also noted that her bedroom is located on the side of her house which faces the addition. Ms. Bator is an elderly citizen and indicates that the activity in the addition frequently inconveniences and awakens her. She opposes the variance relief for these reasons.

I must consider the requested variance in accordance with the standards set forth in Section 307.1 of the BCZR. That section requires that

the Petitioner demonstrate that the property enjoy some unique characteristic which justifies the relief. As importantly, the Petitioner must demonstrate that a practical difficulty would result if the variance relief were denied and that the spirit and intent of the regulations is being observed. Lastly, it must be shown that the relief can be granted without detriment to the surrounding properties.

I am not persuaded that the Petitioner has satisfied her burden. The practical difficulty test is not met in that the possible addition of another resident has not, in fact, occurred. Indeed, Ms. Kilgore's testimony is that the property's occupants are presently herself and Ms. Marcum. Whether her sister comes to live with her is entirely speculative.

Also of concern is the fact that the room reduces an already narrow distance between the houses. Surely, the construction of the room and its use has adversely impacted the neighboring property and its permissible use by Ms. Bator. It is unfair to this resident to be subjected to the noises and activity associated with the use of the room. Moreover, the room was built without a permit, thus, there is no justification for affording the Petitioner any relief because the improvements have been completed.


Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of October, 1995 that a variance from Section 1B02.3.B (211.3) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 1 ft. 6 inches, and a sum of side yard setbacks of 14 ft. 9 inches in lieu of the required 8 ft. and 20 ft., respectively, be and is hereby DENIED, subject to the following:

ORDER RECEIVED FOR FILING
Date 10/31/95
By M. Bator

RECEIVED

1. The Petitioner shall remove the addition within 120 days from the date of this Order and be responsible for returning said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING

Date

10/31/95

By

M. Good

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 31, 1995

Ms. Ellen R. Kilgore
211 High Falcon Road
Reisterstown, Maryland 21136

RE: Case No. 96-47-A
Petition for Zoning Variance
Property: 211 High Falcon Road

Dear Ms. Kilgore:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Ms. Carolyn Bator, 213 High Falcon Road
Ms. Barbara Doarnberger, 5978 Camelback Lane, Columbia 21045

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Petition for Administrative Variance

96-47-A

to the Zoning Commissioner of Baltimore County

for the property located at 211 High Falcon Rd.
which is presently zoned _____

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) **1B02.3.B (211.3)**

Don
Fgo

To allow a side yard setback of 1 ft., 6 in. and a sum of side yard setbacks of 14 ft., 9 in. in lieu of the required 8 ft. and 20 ft. respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See other side

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

MICROFILMED _____
Zoning Commissioner of Baltimore County

REVIEWED BY: JRA

DATE: 8-4-95

ESTIMATED POSTING DATE: 8/13

Printed with Soybean Ink
on Recycled Paper

ITEM #: 53

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 211 High Falcon Rd.
address
Reisterstown, MD 21136
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

There are three adults which one is my sister who is very ill. We only have two bedrooms and cannot have a basement. We needed more room as it is very crowded. We thought it was best to put an addition off the kitchen which has an existing entrance. This is located on the north side of the house. This seems to be the best place to put this addition. We are in great need of this room as it is very crowded.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a depositing and advertising fee and may be required to provide additional information.

Ellen Ruth Kilgore
(signature)

(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4 day of August, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ELLEN RUTH KILGORE

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

date

8-4-95

NOTARY PUBLIC

My Commission Expires:

Dwight Spauld
7/1/98

ZONING DESCRIPTION FOR 211 High Falcon Rd.

Beginning at a point on the East side of High Falcon Rd. which is 25 FT. wide at the distance of ^{140'} ~~260'~~ ^{NORTH} ~~SOUTH~~ of the center line of the nearest improved intersecting street Bryanstone Rd. which is 50' wide. Being Lot #24, Block L, section #4 in the subdivision Country Club Estates as recorded in Baltimore County Plat Book #30, Folio #84, containing 7,150 sq. FT. Also known as 211 High Falcon Rd. and located in the 4 Election District, 3 Councilmanic District.

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7. 960
IN THE MATTER OF
THE APPLICATION OF
ELLEN RUTH KILGORE

FOR A VARIANCE ON PROPERTY
LOCATED ON THE EAST SIDE HIGH *
FALCON ROAD, 140' NORTH OF *
CENTERLINE OF BRYANSTONE ROAD *
(211 HIGH FALCON ROAD) *
4TH ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 96-47-A

* * * * *

O P I N I O N

This matter comes before the Board as an appeal from a decision of the Zoning Commissioner of Baltimore County dated October 31, 1995 which denied the property owner's Petition for a Zoning Variance to allow a side yard setback of 1 ft. 6 inches, and a sum of side yard setbacks of 14 ft. 9 inches in lieu of the required 8 ft. and 20 ft., respectively.

The Petitioner, Ellen Ruth Kilgore, belatedly requested the subject variance to add a sun room addition to her ranch style dwelling at 211 High Falcon Road in the County Club Estates subdivision in Reisterstown. The property is .016 acre in a D.R.5.5 zone and has been her place of residence for nineteen years.

Ms. Kilgore testified that the room addition was essentially to provide expanded living accommodations to the two bedroom house with no basement for three adult women. Ms. Kilgore explained that her sister, recently hospitalized, would be permanently moving to the home, and the room addition on the site of her parking pad was determined to be the best location. Ms. Carolyn Bator, adjacent property owner, was presumed to be supportive of the addition when informed by Petitioner.

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Without obtaining the required building permit, a contractor-friend commenced construction of the 12 ft. x 21 ft. addition. Working weekends for two months, the room was 90% completed when a Stop Work Order was issued. Petitioner testified that she approached her neighbors and obtained their signatures of support for the permit and County approval for completion of the addition. During the construction, Ms. Bator raised no objections.

Ms. Bator, an elderly lady who was represented at the hearing by her nephew, Robert Doarnberger, conveyed that she became concerned about the close proximity to her house, the noise of the construction, and the privacy of her bedroom so close to the sidewall windows of the sun room.

In testimony, Mrs. Kilgore acknowledged that neither an above-ground pool nor an auxiliary shed (Petitioner's Exhibit Nos. 4 & 5) were built with the authorization of permit. She did not consider a building permit for the room addition because of the existing concrete pad in place. Petitioner estimated that she has \$10,000 invested in the addition.

The Board must consider the requested variance in consideration of Section 307.1 of the Baltimore County Zoning Regulations (BCZR). This regulation stipulates that area variances may be granted only in cases where special circumstances or conditions exist that are peculiar to the land, and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Also, any such variance may be granted only if in strict harmony with the spirit and intent of the law and without injury to public health, safety, and general welfare.

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Despite Petitioner's citing the rear yard shape and topography as a uniqueness of the property that limits the site (Petitioners Exhibit No. 4), it is obvious that the property is not unlike the adjacent sites, and except for the shed and admittedly illegal pool positioning in earlier years, the difficulty of locating the room addition could have been accomplished in the rear yard. The Board concurs that the hardship now confronted by Petitioner was inadvertently self-inflicted. Improvements to the owner's property without permits was a mistake of major consequence, partially attributed to the oversight of the contractors. However bewildering this mistake appears for licensed contractors, the homeowner and/or the contractor is responsible for obtaining permits, a procedure Petitioner admitted in her testimony she knew to be necessary.

The construction of the room so close to the neighbor obviously has an adverse affect on Mrs. Bator. Mr. Doarnberger's remarks in behalf of Ms. Bator expressed amazement that the workman progressed to 90% completion in light of the obvious encroachment they were making in the neighboring fenced property.

Therefore, this Board finds that the property is not unique, and that any difficulties or hardship to the Petitioner are entirely self-inflicted arising from the instant and previous construction. For the reasons given above the variances requested should be denied.

O R D E R

IT IS THEREFORE this 5th day of July, 1996 by
the County Board of Appeals of Baltimore County

ORDERED that a variance from Section 1B02.3.B (211.3) of the


ENCLOSURE

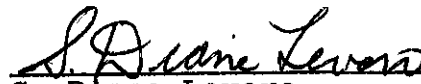
Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 1 ft. 6 inches and a sum of side yard setbacks of 14 ft. 9 inches in lieu of the required 8 ft. and 20 ft., respectively, be and is hereby DENIED, subject to the following:

1. The Petitioner shall remove the addition within 120 days from the date of this Order and be responsible for returning said property to its original condition.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert O. Schuetz, Chairman


S. Diane Levero


Harry E. Buchheister, Jr.

DECLINED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

July 3, 1996

Robert D. Sellers, Esquire
Suite 303, 401 Washington Avenue
Towson, MD 21204

RE: Case No. 96-47-A
Ellen Ruth Kilgore - Petitioner

Dear Mr. Sellers:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Ellen Ruth Kilgore
Carolyn Bator
Barbara Doarnberger
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



I could not locate
original
request for hearing
as this is went
before public hearing.
not as administrative.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-47-A

8/19/95

District

H7H

Date of Posting

Posted for:

Varianco

Petitioner:

Ellen R. Kilgore

Location of property:

711 High Falcon Rd., E/L

Location of Signs:

Facing roadway on property being zoned

Remarks:

Posted by

[Signature]

Signature

Date of return:

8/25/95

Number of Signs:

1

MICROFILMED

NOTICE OF HEARING

The Zoning Commission of Baltimore County, Maryland, is holding a public hearing on the proposed amendments to the Zoning Ordinance of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #86-47-A (Item 53)

211 High Falcon Road, ES High Falcon Road, 140' N of c/ Bryansboro Road

4th Election District

3rd Councilmanic

Legal Owner(s):

Ellen Ruth Kilgore

Hearing: Wednesday

October 18, 1986 at 2:00

p.m., in Rm. 106, County

Office Building.

Variance: to allow a side yard setback of 1 foot, 6 inches and

a sum of side yard setbacks of 14 ft., 9 inches in lieu of the re-

quired 8 ft. and 20 ft., respec-

tively.

LAWRENCE E. SCHMIDT

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are

Handicapped Accessible; for

special accommodations

Please Call 887-3353.

(2) For information concerning

the file and/or Hearing, Please

Call 887-3381.

9/28 Sept 28.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/28, 1985.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

1201

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

ITPM

No. 53

003627

96-47-A

DATE 8-4-95 ACCOUNT R-001-6150

AMOUNT \$ 85.00

RECEIVED FROM: OWNER: Ellen Kilgore SITE: 211 High Falcon Rd

#010 - Res. Variance Filing Fee \$50.00

#080 - Sign + posting \$35.00

FOR: \$85.00

0260280315MICHRC

\$85.00

MICROFILMED

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-47-A

District 4th Date of Posting 12/15/95
Posted for: Appeal
Petitioner: Ellen R. Milgore
Location of property: 211 High Foley Rd.
Location of Signs: Facing roadway on property being appealed
Remarks: _____
Posted by: Anthony Date of return: 12/22/95
Number of Signs: 1 Signature

12/22/95



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 011039

DATE 11/13/95 ACCOUNT R001-6150

AMOUNT \$ 35.00

RECEIVED
FROM:

Kilgore

FOR:

Reposting 96-47

MICROFILMED

03A91H0060MICHRC
BA 0002:39PM11-13-95

\$35.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 011061

DATE 11/29/95 ACCOUNT R001-7120

AMOUNT \$ 210.00

RECEIVED
FROM:

ELEN R. KILGORE

MICROFILMED

FOR:

Appeal petition for Zoning Variance

211 High Falcon Road Case No. 96-47-A

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 18, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-47-A (Item 53)
211 High Falcon Road
E/S High Falcon Road, 140' N of c/l Bryanstone Road
4th Election District - 3rd Councilmanic

COPY

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before August 20, 1995. The closing date (September 5, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

cc: Ellen Ruth Kilgore

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 13, 1996

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-47-A

ELLEN RUTH KILGORE - Petitioner
E/s High Falcon Road, 140' N of c/l Bryanstone
Road (211 High Falcon Road)
4th Election District
3rd Councilmanic District

VAR -To allow side yd setback of 1'6" and a
sum of side yd setbacks of 14'9" in lieu of
required 8' and 29' respectively.

10/31/95 -Z.C.'s Order in which Petition for
Variances is DENIED.

ASSIGNED FOR: WEDNESDAY, JUNE 5, 1996 at 10:00 a.m.

cc: Robert D. Sellers, Esquire Counsel for Appellant /Petitioner
Ellen Ruth Kilgore Appellant /Petitioner

Ms. Carolyn Bator Protestant
Ms. Barbara Doarnberger "

People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant

MICROFILMED



2/13/96 -Notice of Assignment for hearing scheduled for Wednesday,
June 5, 1996 at 10:00 a.m. sent to following:

Robert D. Sellers, Esquire
Ellen Ruth Kilgore
Ms. Carolyn Bator
Ms. Barbara Doarnberger
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

Ellen Kilgore
211 High Falcon Road
Reisterstown, MD 21136
833-7489

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-47-A (Item 53)
211 High Falcon Road
E/S High Falcon Road, 140' N of c/l Bryanstone Road
4th Election District - 3rd Councilmanic
Legal Owner: Ellen Ruth Kilgore
HEARING: WEDNESDAY, OCTOBER 18, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to allow a side yard setback of 1 foot, 6 inches and a sum of side yard setbacks of 14 ft., 9 inches in lieu of the required 8 ft. and 20 ft., respectively.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

ENCLOSURE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 20, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-47-A (Item 53)

211 High Falcon Road

E/S High Falcon Road, 140' N of c/l Bryanstone Road

4th Election District - 3rd Councilmanic

Legal Owner: Ellen Ruth Kilgore

HEARING: WEDNESDAY, OCTOBER 18, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to allow a side yard setback of 1 foot, 6 inches and a sum of side yard setbacks of 14 ft., 9 inches in lieu of the required 8 ft. and 20 ft., respectively.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Ellen Ruth Kilgore
Sabrina Miley

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

RECORDED



CASE NO. 96-47-A

Ellen Ruth Kilgore - Petitioner

E/s High Falcon Road, 140 ft. N of c/l
Bryanstone Road (211 High Falcon Road)

4th Election District Appealed: 11/27/95



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 6, 1995

Ms. Ellen Ruth Kilgore
211 High Falcon Road
Reisterstown, MD 21136

RE: Item No.: 53
Case No.: 96-47-A
Petitioner: E. R. Kilgore

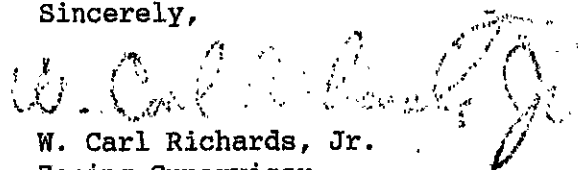
Dear Ms. Kilgore:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 4, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM *Joyce Watson*

DATE: 8/30/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 8/14/95

ZAC Comments

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

43
44
45
46
48
49
51
53
54
4

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 22, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, ^{RWB/DK} P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for August 21, 1995
Items 044, 046, 047, 048, 049, 051, (053) and 054

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 14, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 43,44,45,46,48,49,50,
51,52,53 AND 54.

10

RECEIVED

RECEIVED

AUG 11 1995

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

ZADM



cc: File

Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-8-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 053 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 8, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has ☐ no comments on the following petition(s):

Item Nos. 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51, 53, and 54. 19

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Cary L. Lewis

PK/JL



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 19, 1995

Ellen Ruth Kilgore
211 High Falcon Road
Reisterstown, Maryland 21136

Re: Case Number: 96-47-A

Dear Petitioners:

It has been determined by the Zoning Commissioner's Office that this matter should be set in for public hearing. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary that we repost the property and run notice of the hearing in a newspaper of general circulation.

The reposting charge in the amount of \$35.00 is now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON, DIRECTOR

AJ:ggs

RECORDED



PETITION PROBLEMS AGENDA OF

#44 --- RT

1. Need power of attorney for person signing for contract purchaser.
2. Who signed petition for attorney?

#45 --- MJK

1. Need power of attorney for person signing for contract purchaser.

#47--- JLL

1. Margaret Miller is trustee for who?
2. Need power of attorney for Margaret Miller, trustee.
3. Leonard Miller is trustee for who?
4. Need power of attorney for Leonard Miller, trustee.
5. Need telephone numbers for all legal owners.

#50 --- JLL

1. Notary section is incomplete.

#51 --- JCM

1. Notary section is incomplete.

#52 --- JJS

1. No item number on receipt.
2. No city, state, or zip code for legal owner.

#53 --- JJS

1. No zoning indicated on petition form.

10/10/2010



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

November 28, 1995

Ms. Carolyn Bator
213 High Falcon Road
Reisterstown, MD 21136

Ms. Barbara Doarnberger
5978 Camelback Lane
Columbia, MD 21045

Re: Petition for Zoning
Variance
E/S High Falcon Road
140 ft. N of c/l
Bryanstone Road
211 High Falcon Road
4th Election District
3rd Councilmanic District
Ellen Ruth Kilgore -
Petitioner
Case No. 96-47-A

Dear Ms. Bator and Ms. Doarnberger:

Please be advised that an appeal of the above-referenced case was filed in this office on November 27, 1995 by Ellen Kilgore. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmn

c: People's Counsel

MICROFILMED

APPEAL

Petition for Zoning Variance
E/S High Falcon Road
140 ft. N of c/l Bryanstone Road
211 High Falcon Road
4th Election District - 3rd Councilmanic District
Ellen Ruth Kilgore - Petitioner
Case No. 96-47-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner/Protestant Sign-In Sheet

Letter and four photographs to Arnold Jablon from Sabrina Miley dated August 29, 1995

Plat to accompany Petition for Zoning Variance (Not Marked as Exhibit)

Aerial Photographic Map to accompany Petition for Zoning Variance

200 Scale Zoning Map of location to accompany Petition for Zoning Variance

Recorded Plat to accompany Petition for Zoning Variance

Ten photographs attached to bond paper to accompany Petition for Zoning Variance (Not Marked as Exhibits)

Petition in support of the addition (Not Marked as Exhibit)

Five loose photographs to accompany Petition for Zoning Variance (Not Marked as Exhibits)

Zoning Commissioner's Order dated October 31, 1995 (Denied)

Notice of Appeal received on November 27, 1995 from Ellen Kilgore

c: Ms. Ellen R. Kilgore, 211 High Falcon Road, Reisterstown, MD 21136
Ms. Carolyn Bator, 213 High Falcon Road, Reisterstown, MD 21136
Ms. Barbara Doarnberger, 5978 Camelback Lane, Columbia, MD 21045
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

MICROFILMED

APPEAL

Petition for Zoning Variance
E/S High Falcon Road
140 ft. N of c/l Bryanstone Road
211 High Falcon Road
4th Election District - 3rd Councilmanic District
Ellen Ruth Kilgore - Petitioner
Case No. 96-47-A

Petition for ^{ADMIN.}~~Zoning~~ Variance

- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication
- ✓ Zoning Plans Advisory Committee Comments
- ✓ ~~LETTER TO ER KILGORE FROM JABLON~~ PDM ~~PUBLIC HEARING REQUIRED~~
- ✓ Petitioner/Protestant Sign-In Sheet
- ✓ Letter and four photographs to Arnold Jablon from Sabrina Miley dated August 29, 1995
- ✓ Plat to accompany Petition for Zoning Variance (Not Marked as Exhibit)
- ✓ Aerial Photographic Map to accompany Petition for Zoning Variance
- ✓ 200 Scale Zoning Map of location to accompany Petition for Zoning Variance
- ✓ Recorded Plat to accompany Petition for Zoning Variance
- ✓ Ten photographs attached to bond paper to accompany Petition for Zoning Variance (Not Marked as Exhibits)
- ✓ Petition in support of the addition (Not Marked as Exhibit)
- ✓ Five loose photographs to accompany Petition for Zoning Variance (Not Marked as Exhibits)
- ✓ Zoning Commissioner's Order dated October 31, 1995 (Denied)

Notice of Appeal received on November 27, 1995 from Ellen Kilgore

c* Ms. Ellen R. Kilgore, 211 High Falcon Road, Reisterstown, MD 21136
Ms. Carolyn Bator, 213 High Falcon Road, Reisterstown, MD 21136
Ms. Barbara Doarnberger, 5978 Camelback Lane, Columbia, MD 21045
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Counsel for Petitioner - Appellant:

Robert D. Sellers, Esquire
Suite 303, 401 Washington Avenue
Towson, MD 21204

✓ E
MICROFILMED

ROBERT D. SELLERS

ATTORNEY AT LAW

SUITE 303

401 WASHINGTON AVENUE

TOWSON, MD 21204

ROBERT D. SELLERS
LAURIE ANNE FILIPPI*
*ALSO ADMITTED IN PA

(410) 583-1712
(800) 543-6309
FAX (410) 583-2378

January 17, 1996

Clerk
Board of Appeals for Baltimore County
400 Washington Avenue
Room 49, Old Court House
Towson, MD 21204

RE: Case No. 96-47-A

Dear Clerk:

Enclosed for filing, please find my Entry of Appearance on behalf of the Petitioner/Appellant in the above-referenced matter. If a hearing date has been set, please notify me immediately.

Yours,



Robert D. Sellers

RDS/jpg
Enclosure

cc: Peter Max Zimmerman, Esquire
Ellen Ruth Kilgore

RECEIVED

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S High Falcon Road, 140 ft.
N of c/1 Bryanstone Road * BOARD OF APPEALS
211 High Falcon Road
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Ellen Ruth Kilgore * Case No. 96-47-A
Petitioner

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of Robert D. Sellers as attorney
for Petitioner, Ellen Ruth Kilgore, in the above-referenced matter.



Robert D. Sellers, Esquire
401 Washington Avenue
Suite 303
Towson, MD 21204
410-583-1712
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 17th day of January,
1996, a copy of Entry of Appearance was mailed first class,
postpaid, to Peter Max Zimmerman, People's Counsel for Baltimore
County, 400 Washington Avenue, Room 47, Old Court House, Towson, MD
21204.



Robert D. Sellers

MICROFILMED

SABRINA MILEY
5632-257 STEVENS FOREST ROAD
COLUMBIA, MARYLAND 21045

4197-95
8/31/96
410 740 1787

Mr. Arnold Jablon
Director
Permits, Development and Management
111 West Chesapeake Avenue
Towson, Maryland 21204
RE: Case Number 96-47-A

August 28, 1995

Dear Mr. Jablon:

I am writing this letter on behalf of my Aunt who lives at 213 High Falcon. My Aunt's property and comfort has been directly affected by the extension her neighbor, Ms. Ellen Kilgore, is adding to the home located at 211 High Falcon. I have several points that I would like you to consider before making your decision about the extension.

The variance application that was read to me by your office states that Ms. Kilgore, full-time resident of 211 High Falcon, is one of three adults living in the home and they need another bedroom for her sick sister. She also stated that it was getting crowded in the house, and the place she started to put the room was the best choice for it, since it already had an existing entrance. I disagree with these statements for the following reasons:

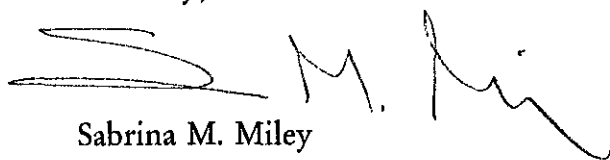
- According to my Aunt and one of the neighbors I spoke with, Ms. Kilgore and one other adult woman lives in the home. The second woman seems to reside at the residence only sporadically. Ms. Kilgore herself is a manager of a restaurant, and rarely home. There is no sick sister that lives in the residence.
- I took some photographs on Saturday, August 26, 1995 from the sidewalk in front of Ms. Kilgore's home, and from my Aunt's yard. Please examine the enclosed photographs labeled "A" and "B". This room is not made to be a bedroom. The room appears to have four full-size sliding glass doors, two on the front of the addition, which directly faces High Falcon, and two on the back of the addition. The windows on the side of the addition, which sits almost flush to the fence between my Aunt's and Ms. Kilgore's property, has seven windows close to the fence level. Each window appears to be approximately two feet wide and three feet high. Two skylights are also visible, one on either side of the room. This room is not a practical choice to use as a bedroom. Maryland winters are too harsh for a bedroom that is almost completely glass on three sides: especially for someone who is sick. There is also lawn furniture set up inside the room and it is connected to the kitchen via a sliding glass door. This leads me to believe the room is going to be used exactly as the builder intended it to be used: for a screened-in porch.
- All of the windows on the extension open. My Aunt's bedroom is right next to the extension, and my Aunt does not have central air conditioning. The light and noise that will come from the addition in the evening will disturb my Aunt when she is trying to sleep.

RECORDED

- Please examine the photograph labeled "C". The work will not be able to be completed without tearing down the fence between the two properties. There is not enough room to get between the fence and the addition to work.
- Please examine the photograph labeled "D". On the opposite side of the house, near the above-ground pool, there is a door visible. My Aunt was told by Ms. Kilgore this door was put in to allow indoor and outdoor access to the laundry room. If adding a room was a necessity, Ms. Kilgore could have used this existing entrance to legally build the room on that side of her home, or toward the back of her home and moved the pool if necessary. There appears to be plenty of room to do this.
- The home originally had three bedrooms. Ms. Kilgore, being very proud of her home improvements, has told my Aunt that in addition to the laundry room change and the pool addition, she had two of the bedrooms made into one large bedroom. She has added and removed fireplaces and decks. She has removed walls and extended her kitchen. There is nothing wrong with making improvements to your home, but from past history each improvement has lead to another addition or improvement. If this addition is allowed to stay, what happens next? Will Ms. Kilgore continue to build down my Aunt's property line?
- When the work was stopped by the county on this addition, Ms. Kilgore told my Aunt, who is in her 90's, that she needed to use three feet of my Aunt's property in order to finish her extension. She then asked my Aunt to give the land to her, which my Aunt refused to do. This fact shows that Ms. Kilgore and her contractor did not research building codes and building requirements: unless a permit was purposely not obtained.

I respectfully request that you turn down the application to complete the building of this addition. First of all, Ms. Kilgore deliberately attempted to build the addition without obtaining a permit. The completion of this room is not a hardship to Ms. Kilgore, for she caused it herself. Secondly, my Aunt may want to sell her property one day and this addition will almost certainly have an effect on resale. Who would want to buy a house where the next door neighbor can see clearly into the master bedroom from her screened-in porch? Lastly, it is my opinion that this room was never intended to be used as a bedroom as stated in Ms. Kilgore's variance application. Please turn down the application to complete this addition. My Aunt cannot easily attend hearings and she should not have to defend her property.

Sincerely,



Sabrina M. Miley

Enclosures

RECEIVED

AUG 31 1995

ZADM

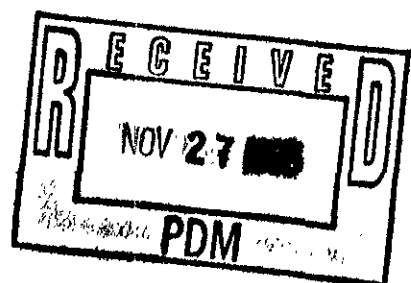
To Arnold Jablon,

11-27-95

I wish to appeal case number
96-474 (Item 53).

Thank you,

Ellen Kilgus
211 High Falcon Rd.
Reisterstown, Maryland
21136
phone - 410-833-7489



RECEIVED

I haven't any objections to the new
addition at Mrs. Kilgou's residence
211 High Falcon Rd.

BEUSE HOPKINS
209 HIGH FALCON RD

Janne Ditto
208 High Falcon Rd.

Carolyn Bator
213 HIGH FALCON RD

Ann Brown
212 High Falcon Rd

Nelson Wideman
210 HIGH FALCON RD.

Kayman Wideman
210 High Falcon Rd.

#53

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Ellen Kulgore ✓

211 High Falcon Rd

Diane Marcum ✓

211 High Falcon Rd.

Carolyn Bator

213 High Falcon Rd

BARBARA DOARNBERGER ✓

5978 Camelback Ln.

Columbia, MD. 21045

ALICIA DOARNBERGER ✓



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

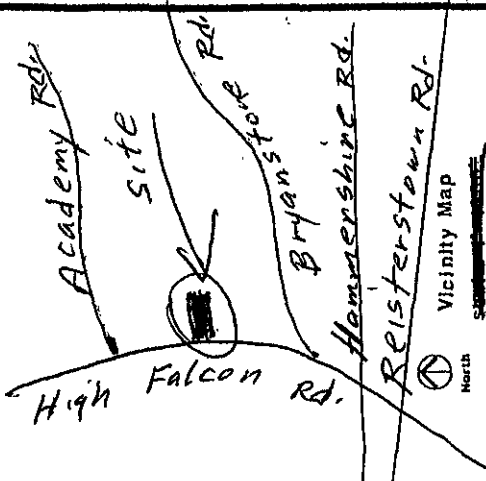
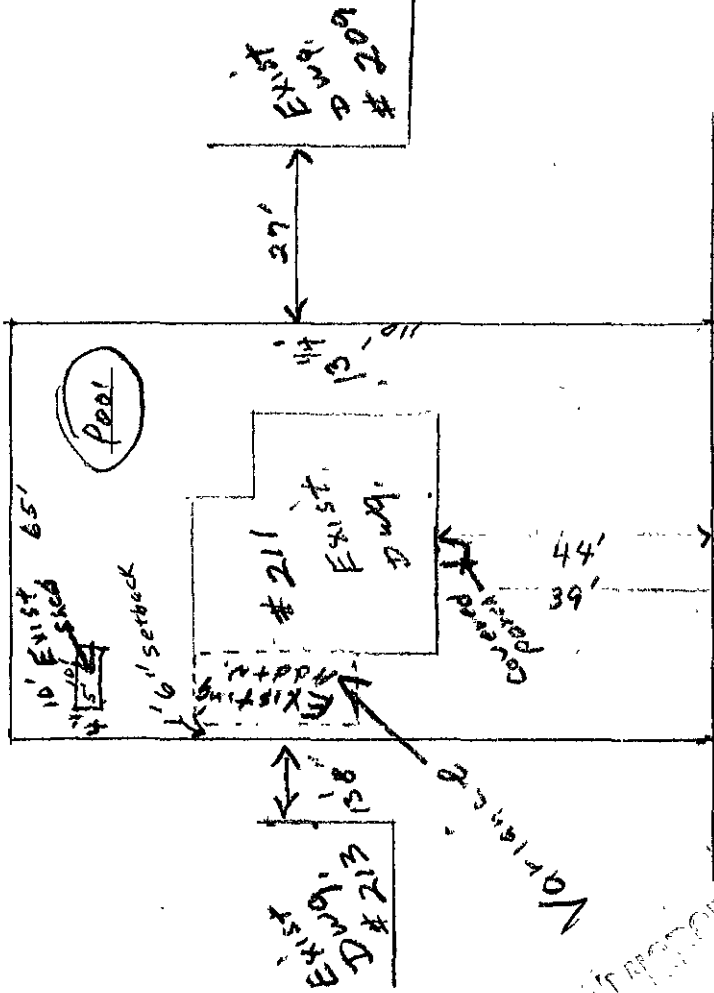
PROPERTY ADDRESS: 211 High Falcon Rd.

Subdivision name: Country Club Estates

plat book # 30, folio # 84, lot # 34, section # 4 Block L.

OWNER: Ellen Ruth Kilgore

96-47-A



LOCATION INFORMATION

Election District: 4
Councilmanic District: 3

1"=200' scale map #: NW 14-I

Zoning: DR-5.5

Lot size: 0.016 acreage 7,150 square feet

public private
SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 53 CASE #:

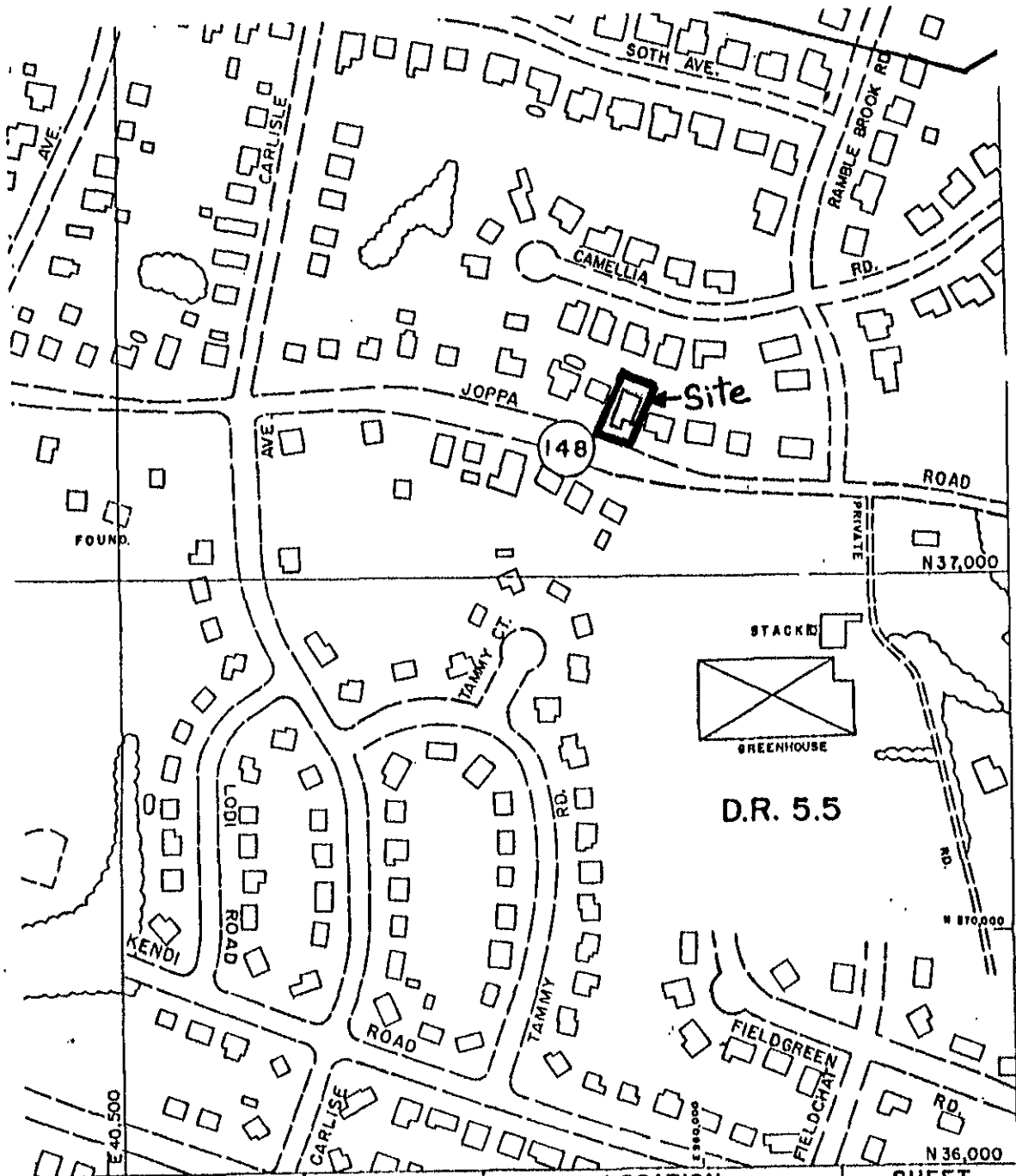
North

date: _____
prepared by: _____

Scale of Drawing: 1"= 30'

EXAMPLE 4 - Zoning Map

- 1 copy



*not 45
76.8
+ 94.28
= 170.08
N 870,000
N 36,000
N 37,000
W 3
Hammanshine*

SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986		10-G

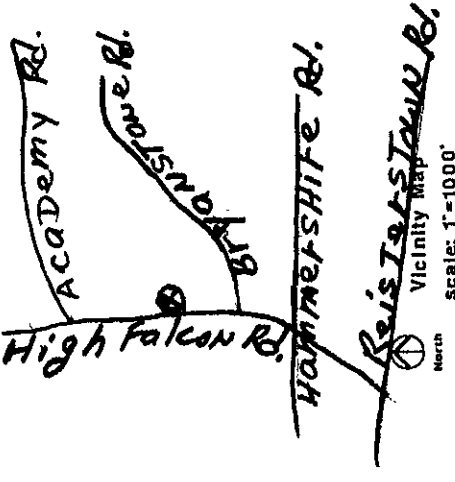
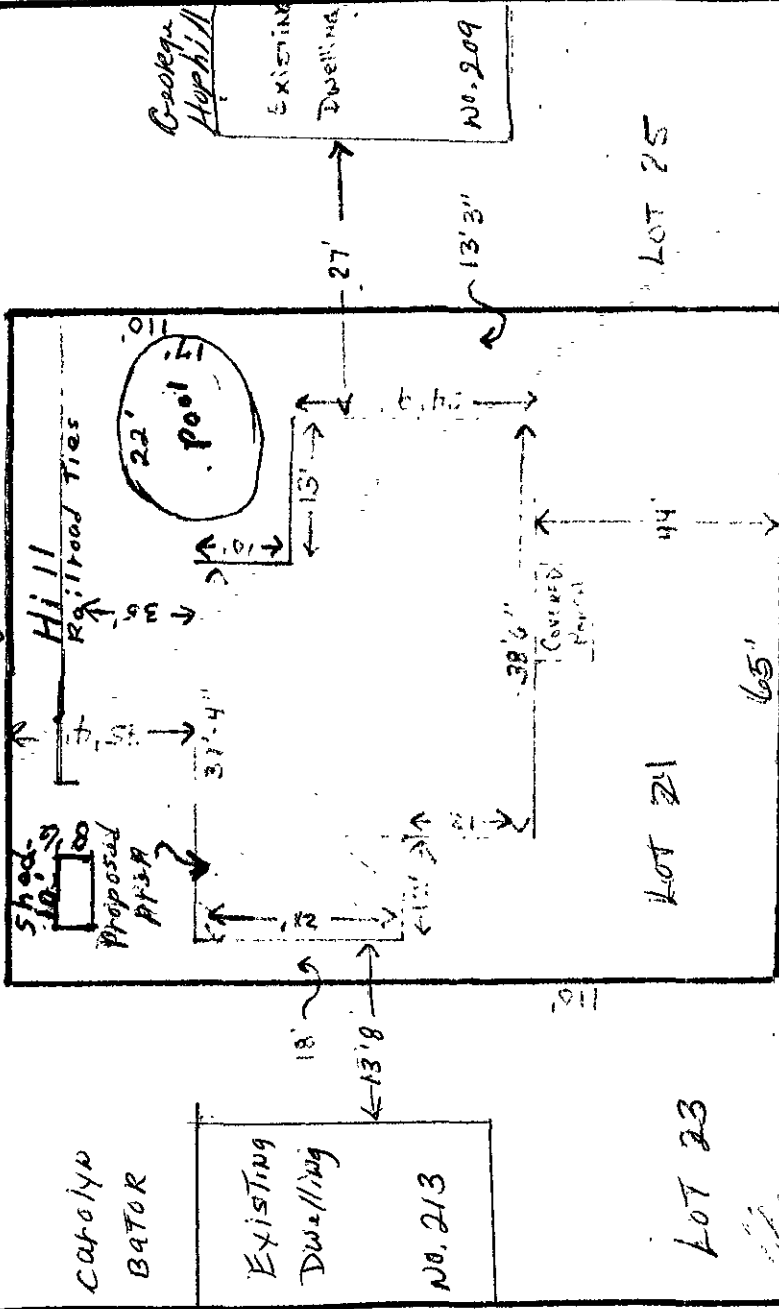
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 211 High Falcon Rd. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: COUNTRY CLUB ESTATES

[plat book # 3, folio # 84, lot # 24, section # 4]

OWNER: Ellen Ruth Kilgore



LOCATION INFORMATION

Election District: 4 3
 Councilmanic District: NW-14 I
 1"=200' scale map#: DR-5.5
 Zoning: 65X110
 Lot size: 7,150 square feet

public private
 SEWER: ☒ ☐
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☐ ☒
 Prior Zoning Hearings: ☐ ☒

NONE

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE #: _____

96-47-A

North

date: _____ prepared by: _____

Scale of Drawing: 1"= _____

Ap. Ex. 1



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 211 High Falcon Rd.
which is presently zoned _____

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.B (211.3)

Notes
Ego

To allow a side yard setback of 1 ft., 6 in. and a sum of side yard setbacks of 14 ft., 9 in. in lieu of the required 8 ft. and 20 ft. respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See other side

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

** Ellen Ruth Kilgore*
(Type or Print Name)

Signature

(Type or Print Name)

Ellen Ruth Kilgore
Signature

211 High Falcon Rd 8337489
Address Phone No.

Reisterstown MD 21136
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____ 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

MICROFILMED

REVIEWED BY: *JA* DATE: *8-4-93*

ESTIMATED POSTING DATE: *8/13*



Printed with Soybean Ink
on Recycled Paper

ITEM #: *53*



Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 211 High Falcon Rd.
address
Reisterstown, MD 21136
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

There are three adults which one is my sister whom is very ill. We only have two bedrooms and cannot have a basement. We needed more room as it is very crowded. We thought it was best to put an addition off the kitchen which has an existing entrance. This is located on the north side of the house. This seems to be the best place to put this addition. we are in great need of this room as it is very crowded. THANK YOU

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Ellen Ruth Kilgore
(signature)

(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4 day of August, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ELLEN Ruth Kilgore

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

date

8-4-95

NOTARY PUBLIC

My Commission Expires:

Dwight Spauld
 7/1/98

ZONING DESCRIPTION FOR 211 High Falcon Rd.

Beginning at a point on the EAST side of High Falcon Rd. which is 25 FT. wide at the distance of ^{140'} ~~100'~~ ^{NORTH} ~~SOUTH~~ of the center line of the nearest improved intersecting street Bryanstone Rd. which is 50' wide. Being Lot #24, Block L, section #4 in the subdivision Country Club Estates as recorded in Baltimore County Plat Book #30, Folio #84, containing 7,150 sq. FT. Also known as 211 High Falcon Rd. and located in the 4 Election District, 3 Councilmanic District.

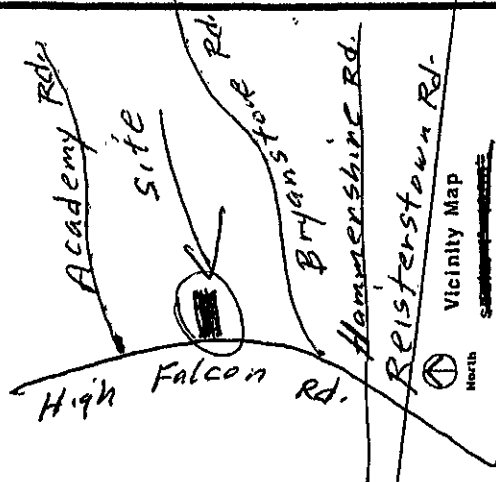
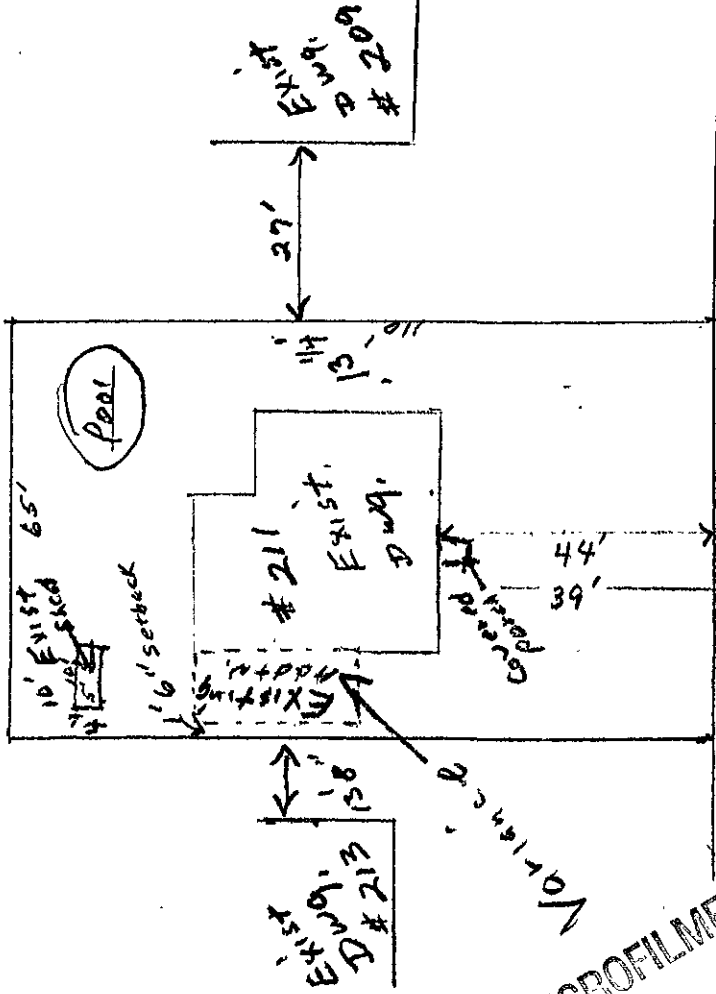
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 211 High Falcon Rd. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Country Club Estates

plat book # 30, folio # 84, lot # 34, section # 4 Block L. 96-47-A

OWNER: Ellen Ruth Kilgore



LOCATION INFORMATION

Election District: 4
Councilmanic District: 3

1"=200' scale map#: NW 14-I

Zoning: PR-53

Lot size: 6016 7150 acreage square feet

SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private
Chesapeake Bay Critical Area: ☐ yes ☒ no
Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 53 CASE#:



North

date:
prepared by:

Scale of Drawing: 1"= 30'

MICROFILMED

Ap Ex. 1

I haven't any objections to the new
addition at Mrs. Kilgore's residence
211 High Falcon Rd.

BEUSE HOPKINS
209 HIGH FALCON RD

Janne Ritts
208 High Falcon Rd.

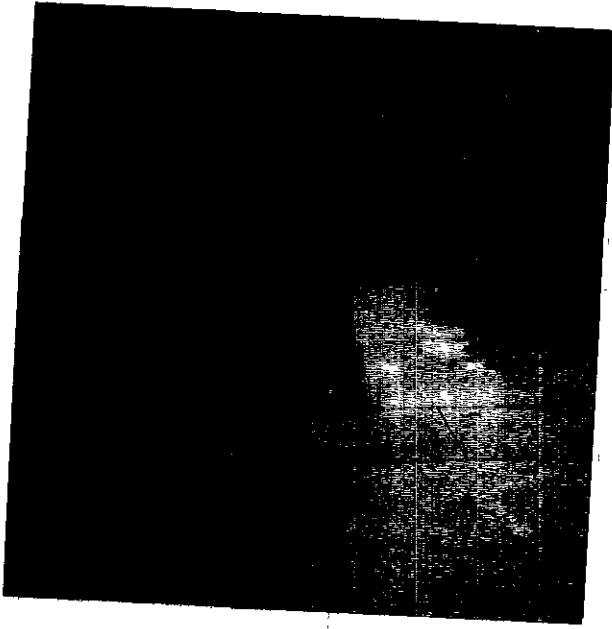
Carolyn Bator
213 HIGH FALCON RD

Ann Brown
212 High Falcon Rd

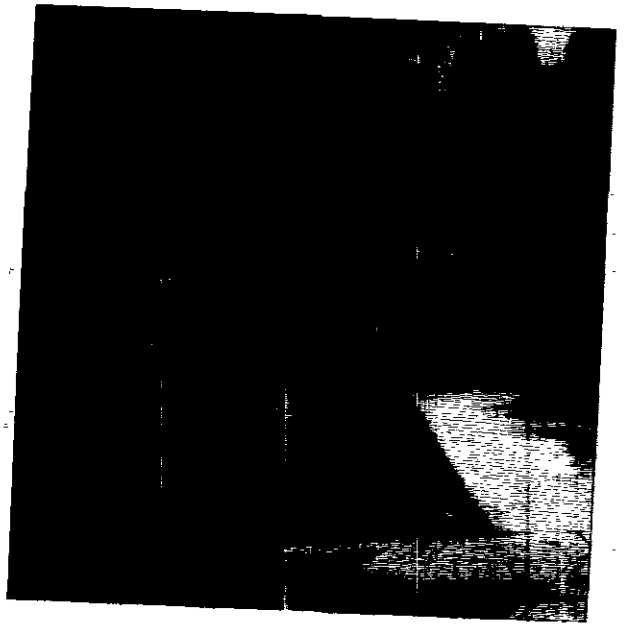
Nelson Wideman
210 HIGH FALCON RD.

Nelson Wideman
210 High Falcon Rd.

#53



53



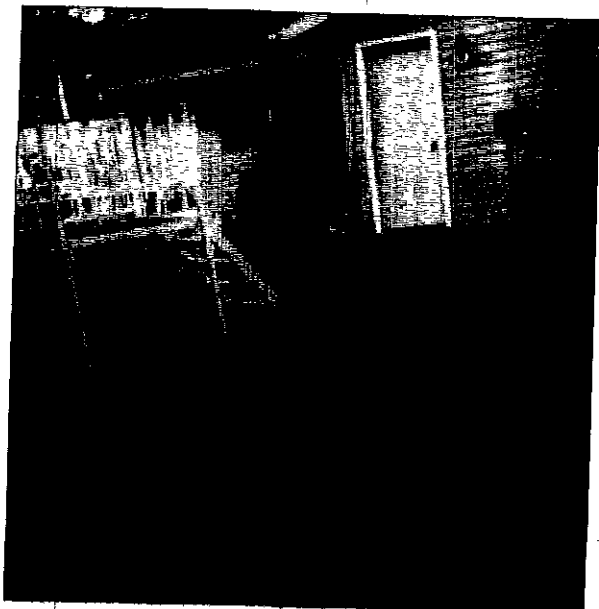
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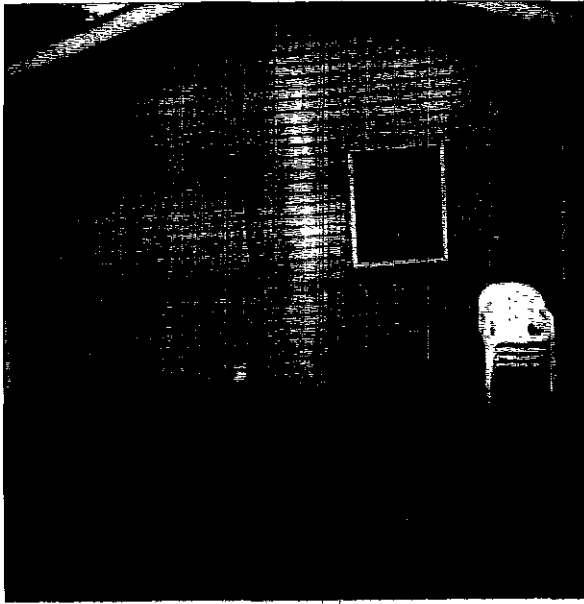


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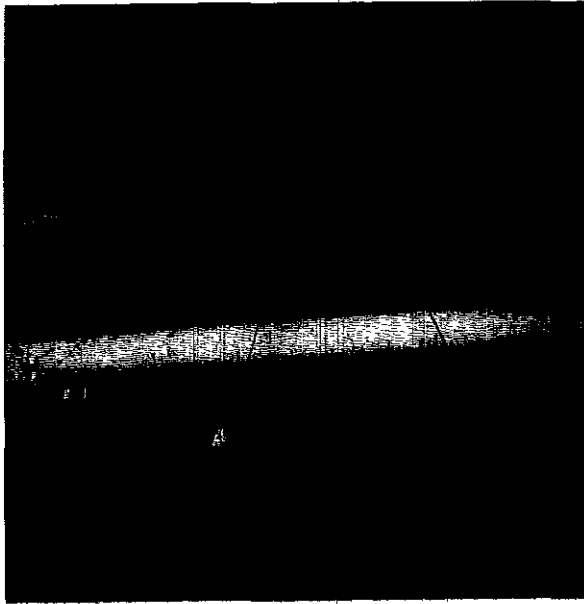
MICROFILMED



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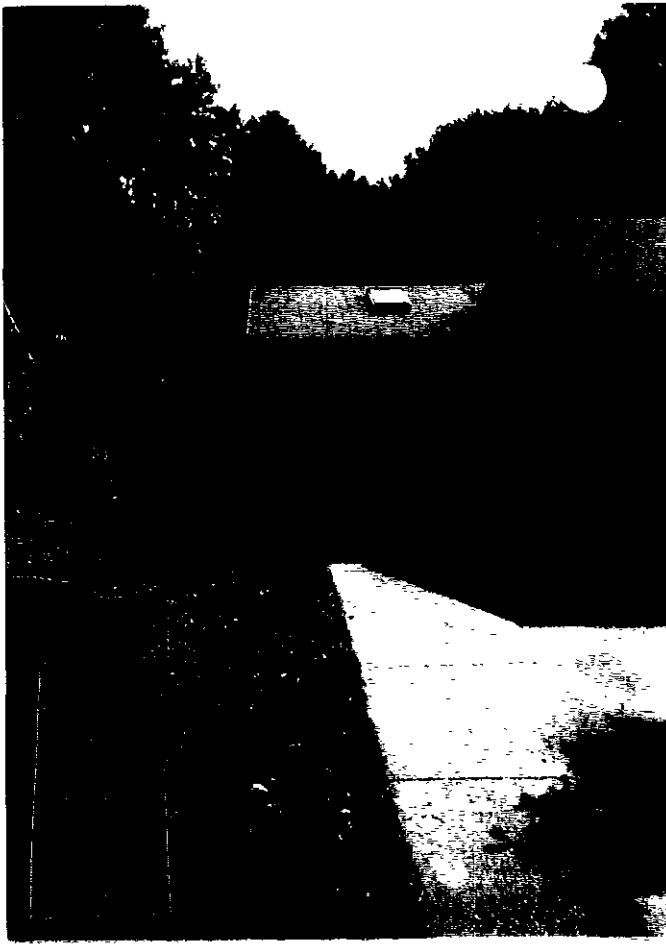
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4 PHOTOS

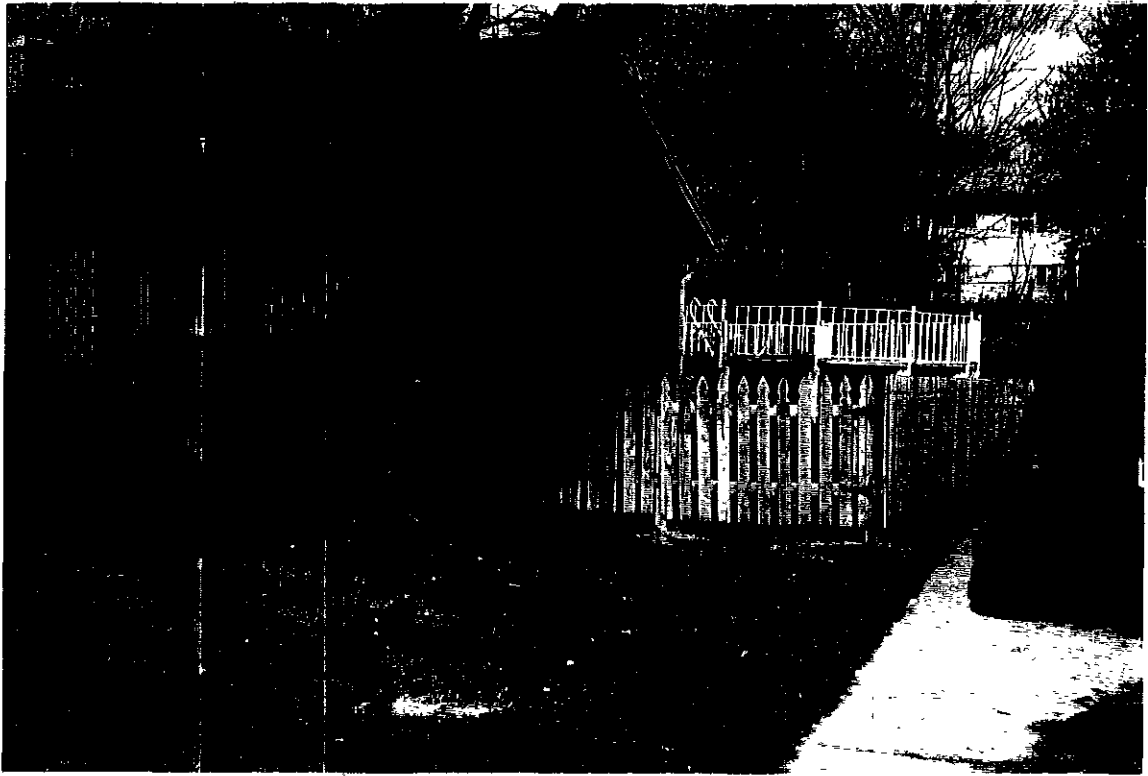
TO BE ATTACHED

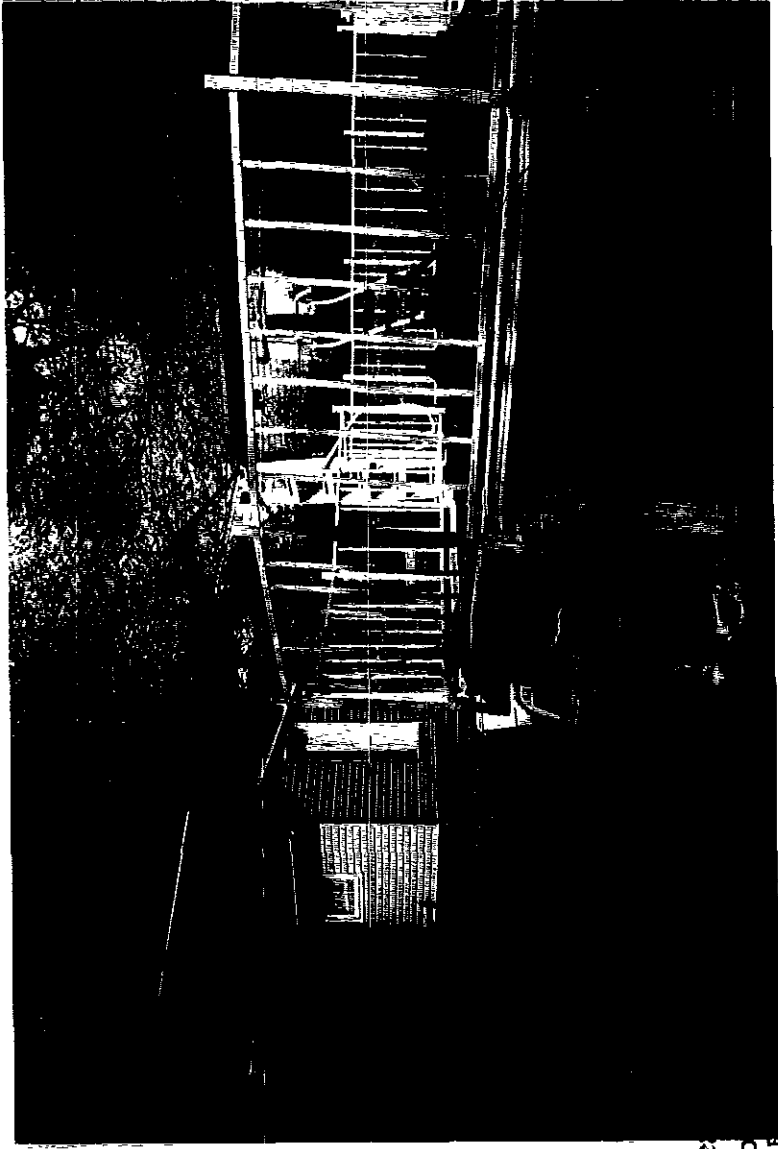
TO 8/28/25 CTR.

FROM S. M. MILEY

(A → D)







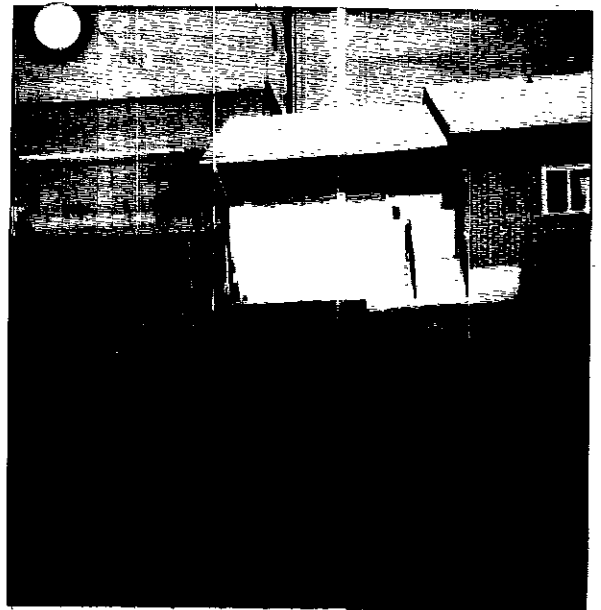
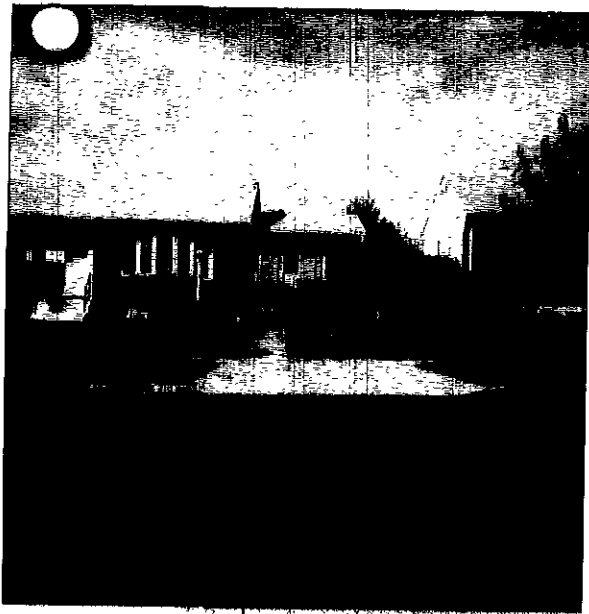
County Board of Appeals
ROOM 49 OLD
TOWSON, MARYLAND

LONG TERM

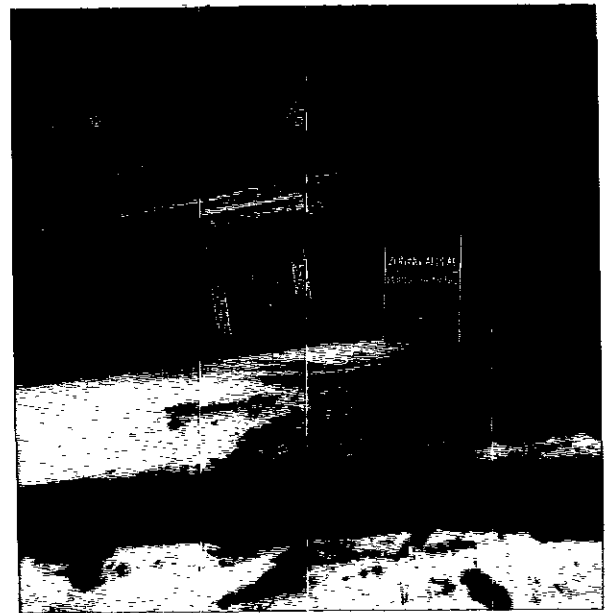
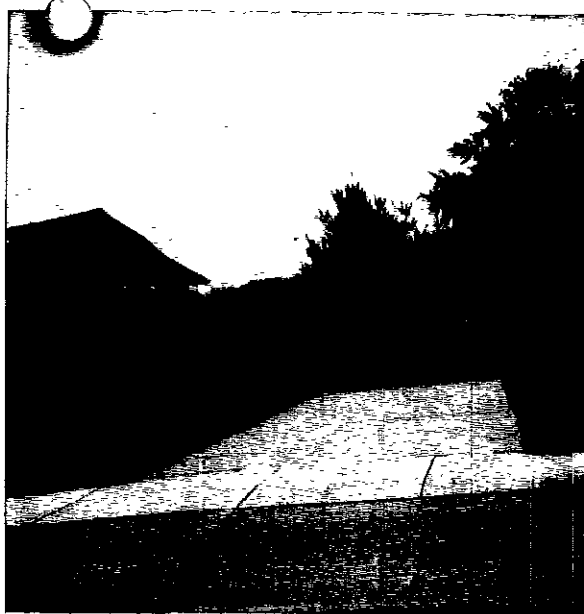
96-47-A

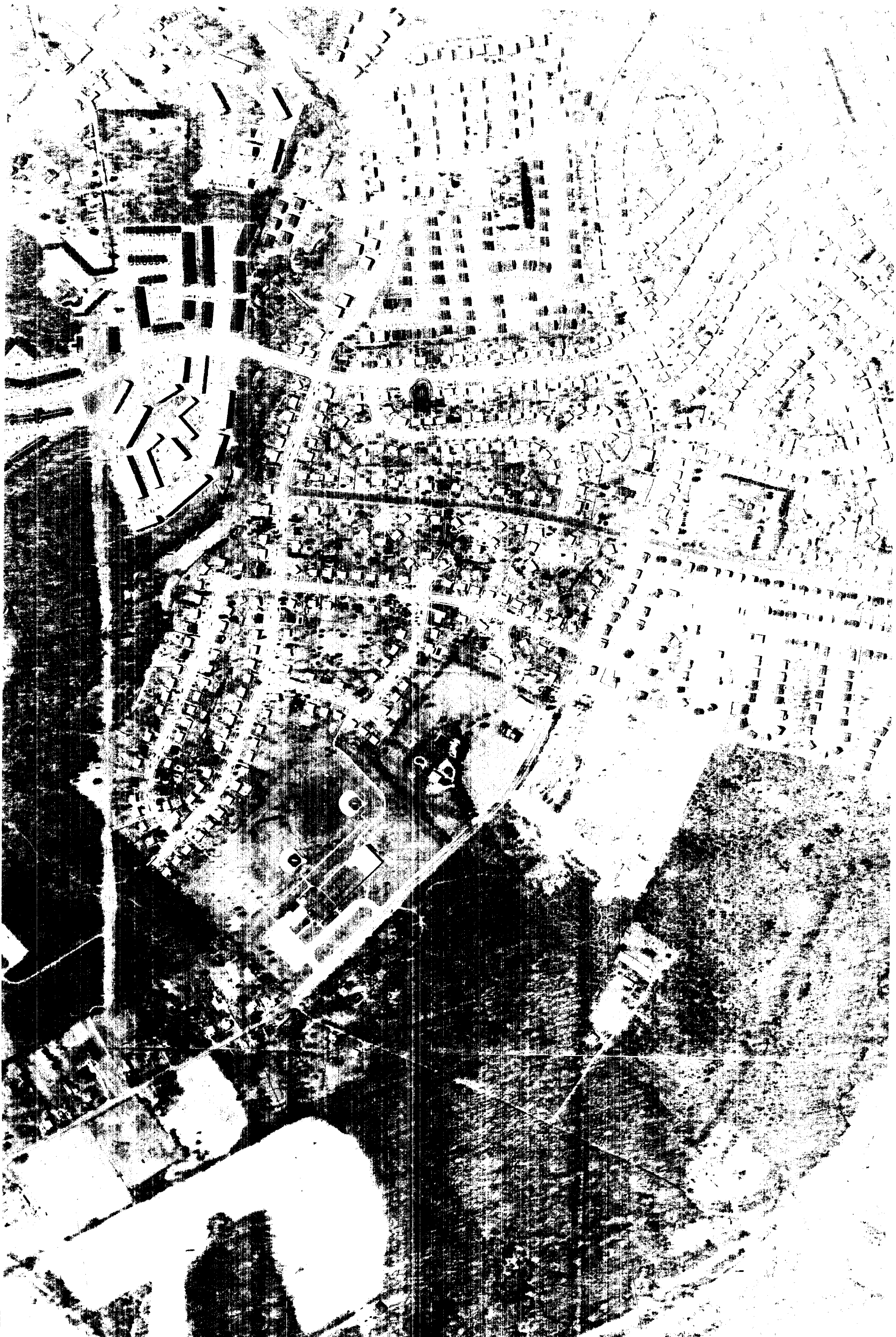
Apprentice / Penitence 3

EXHIBIT NOS. 2, 4 & 5



ADDITIONAL PHOTOS(5)
96-47-A





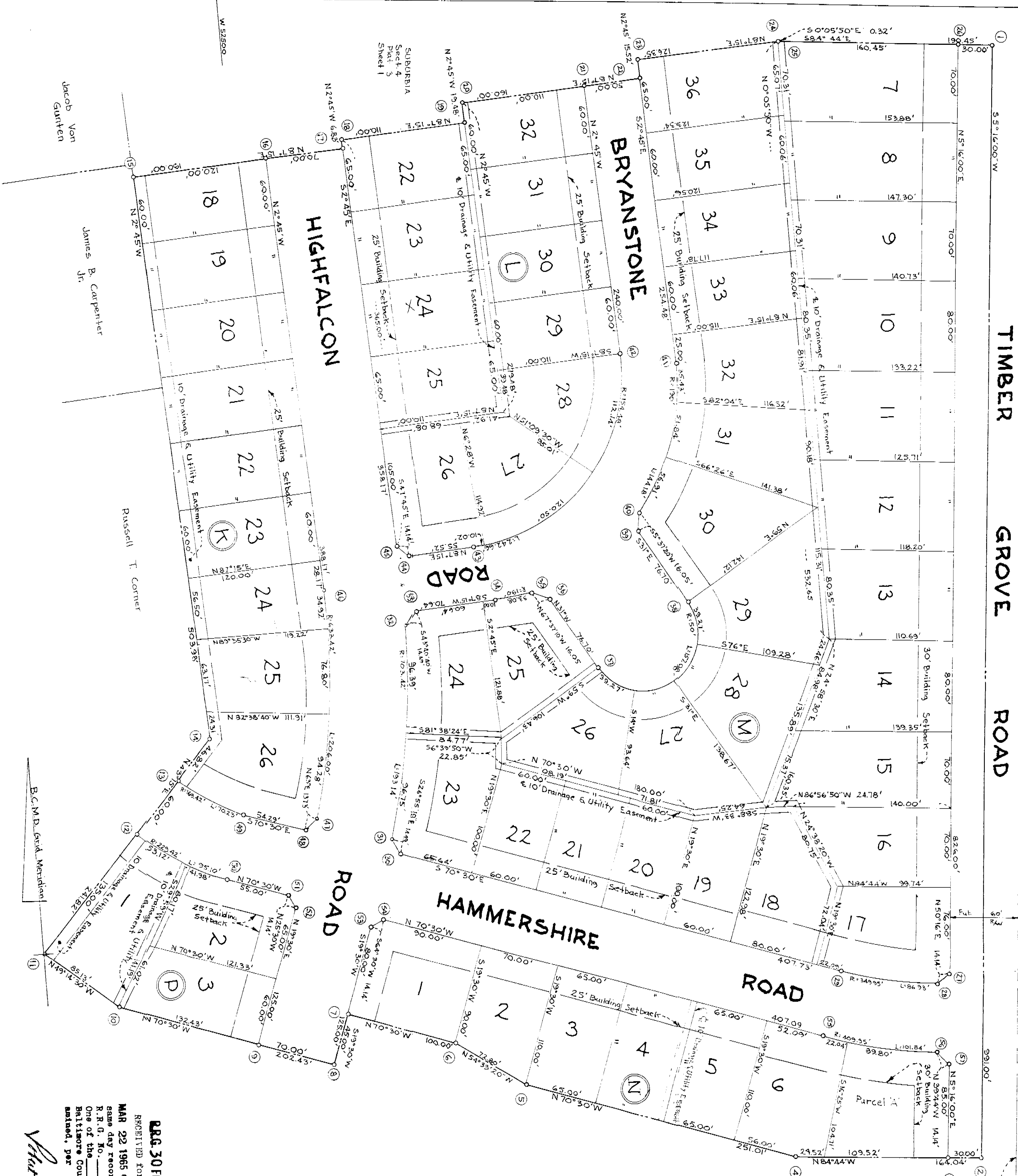
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'		
DATE	DELIGHT	Microfilmed N.W.
OF		
PHOTOGRAPHY	GWYNNEBROOK	14-1
JANUARY		
1986		

Ap Ex. 2

96-47-A

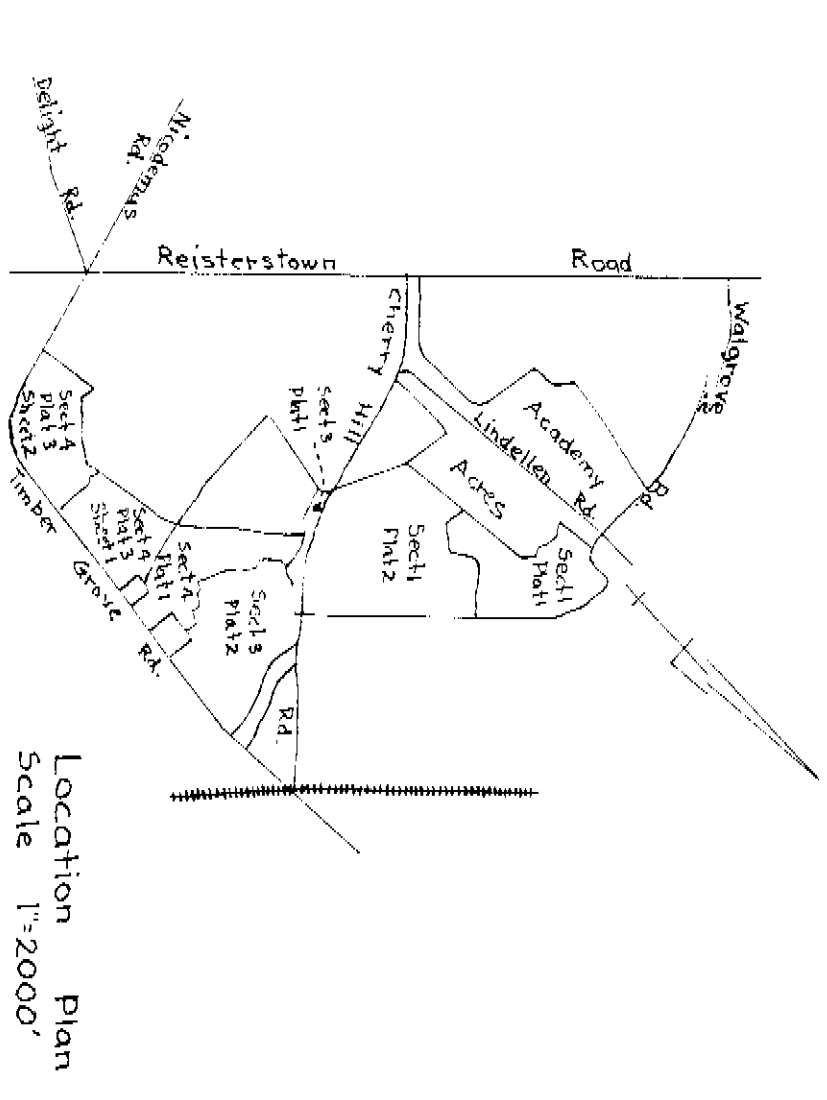
TIMBER GROVE ROAD



Note: Proposed future 5/1/19 line are established by the Baltimore County Engineering Dept. of Baltimore County.

NO.	COORDINATES		NO.	COORDINATES	
	WEST	NORTH		WEST	NORTH
1	51814.28	54060.53	29	52016.24	53250.31
2	51905.94	53073.11	30	52400.58	53366.41
3	51935.82	53076.45	31	52407.14	53399.33
4	52069.29	53088.15	32	52431.10	53589.81
5	52305.90	53112.54	33	52361.10	53600.29
6	52465.21	53214.76	34	52298.54	53608.15
7	52474.50	53205.72	35	52211.45	53608.02
8	52474.50	53205.72	36	52211.45	53608.02
9	52474.50	53205.72	37	52211.45	53608.02
10	52474.50	53205.72	38	52211.45	53608.02
11	52474.50	53205.72	39	52211.45	53608.02
12	52474.50	53205.72	40	52211.45	53608.02
13	52474.50	53205.72	41	52211.45	53608.02
14	52474.50	53205.72	42	52211.45	53608.02
15	52474.50	53205.72	43	52211.45	53608.02
16	52474.50	53205.72	44	52211.45	53608.02
17	52474.50	53205.72	45	52211.45	53608.02
18	52474.50	53205.72	46	52211.45	53608.02
19	52474.50	53205.72	47	52211.45	53608.02
20	52474.50	53205.72	48	52211.45	53608.02
21	52474.50	53205.72	49	52211.45	53608.02
22	52474.50	53205.72	50	52211.45	53608.02
23	52474.50	53205.72	51	52211.45	53608.02
24	52474.50	53205.72	52	52211.45	53608.02
25	52474.50	53205.72	53	52211.45	53608.02
26	52474.50	53205.72	54	52211.45	53608.02
27	52474.50	53205.72	55	52211.45	53608.02
28	52474.50	53205.72	56	52211.45	53608.02
29	52474.50	53205.72	57	52211.45	53608.02

FROM	TO	CURVE		DATA		TAN		CHD BEAR & DIST	
		RAD.	A	ARC	TAN	CHD	BEAR	DIST	
23	28	340.95'	141.00'	8.63'	43.65'	517.37	100.00'	8.63'	
56	55	409.35'	101.84'	51.16'	101.84'	517.37	100.00'	8.63'	
13	43	169.42'	234.500'	10.275'	35.42'	517.37	100.00'	8.63'	
50	12	229.42'	157.435'	95.10'	48.24'	517.37	100.00'	8.63'	
32	31	703.42'	103.14'	97.18'	103.14'	517.37	100.00'	8.63'	
47	46	633.42'	187.380'	202.00'	103.97'	517.37	100.00'	8.63'	
43	42	154.85'	907.000'	242.64'	154.85'	517.37	100.00'	8.63'	
41	40	190.00'	437.283'	144.18'	75.16'	517.37	100.00'	8.63'	
35	34	190.00'	37.583'	37.08'	14.28'	517.37	100.00'	8.63'	
28	37	30.00'	1807.000'	151.08'	14.28'	517.37	100.00'	8.63'	



REC. 30 FOLD 84
RECORDED FOR RECORD
MAR 22 1965 at
P.M.
same day recorded in Liber
R.R.G. No. 10110
One of the records of
Baltimore County and ex-
hibited, per
[Signature]
Clerk

SECTION 4 PLAT 3 SHEET 2
SUBURBIA
BALTIMORE CO., MD.
OWNER: THE SANFORD LAND CO.
233 EQUITABLE BUILDING
BALTIMORE 2, MARYLAND

96-47-A

APPROVED BY PLANNING BOARD OF BALTIMORE COUNTY
DATE 3/17/65
DIRECTOR
COUNTY ROADS ENGINEER

APPROVED
DATE 3/17/65
DEPUTY STATE & COUNTY HEALTH OFFICER
In testimony whereof, I have hereunto set my hand and the seal of the State of Maryland at Baltimore, this 17th day of March, 1965.

Corrections and bearings shown on this plat are referred to the following monuments:
X 2103
X 2104
X 2106
X 2107
X 2110
X 2111
W 5284.46
W 5284.97
W 5292.28
W 5187.63
W 5188.50
W 5184.82
N 5248.04
N 5248.10
N 5301.10
N 5340.14
N 5346.52
N 5358.05

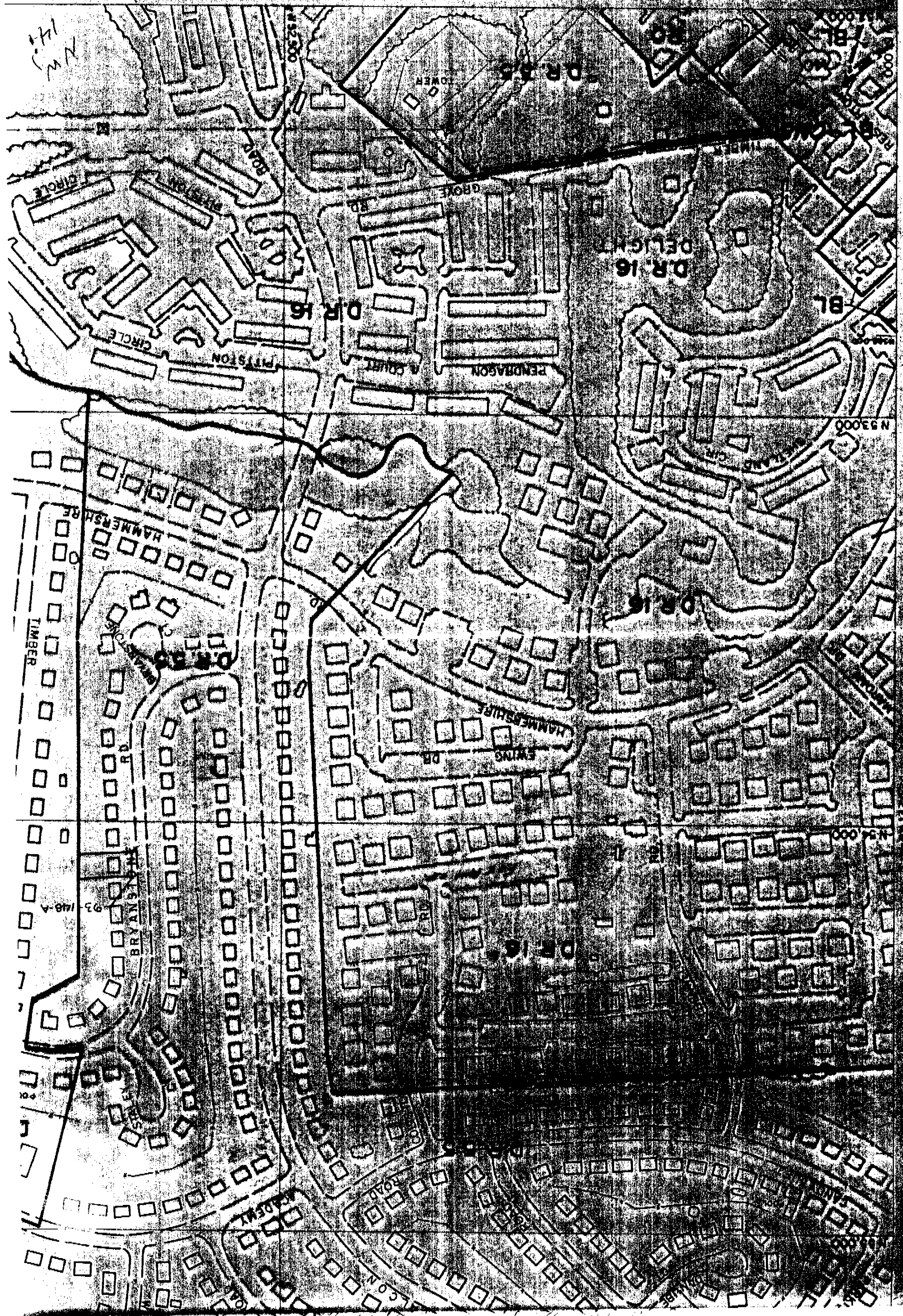
The Sanford Land Company
By [Signature]
VP.

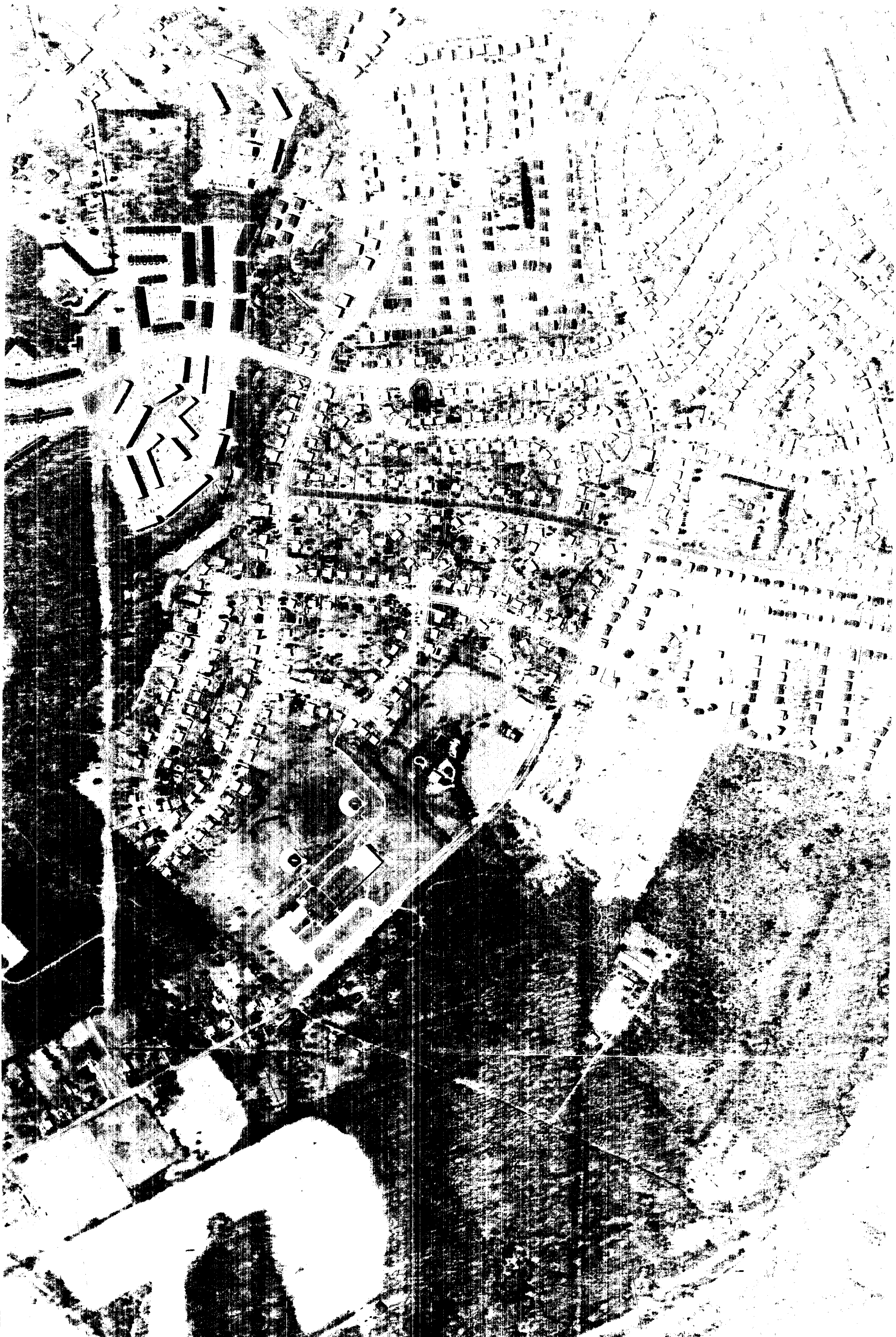
H.E.S.
2/10/65
114 W 25th ST.
FEB 1965

1-NW

MICROFILMED

APR 9 53





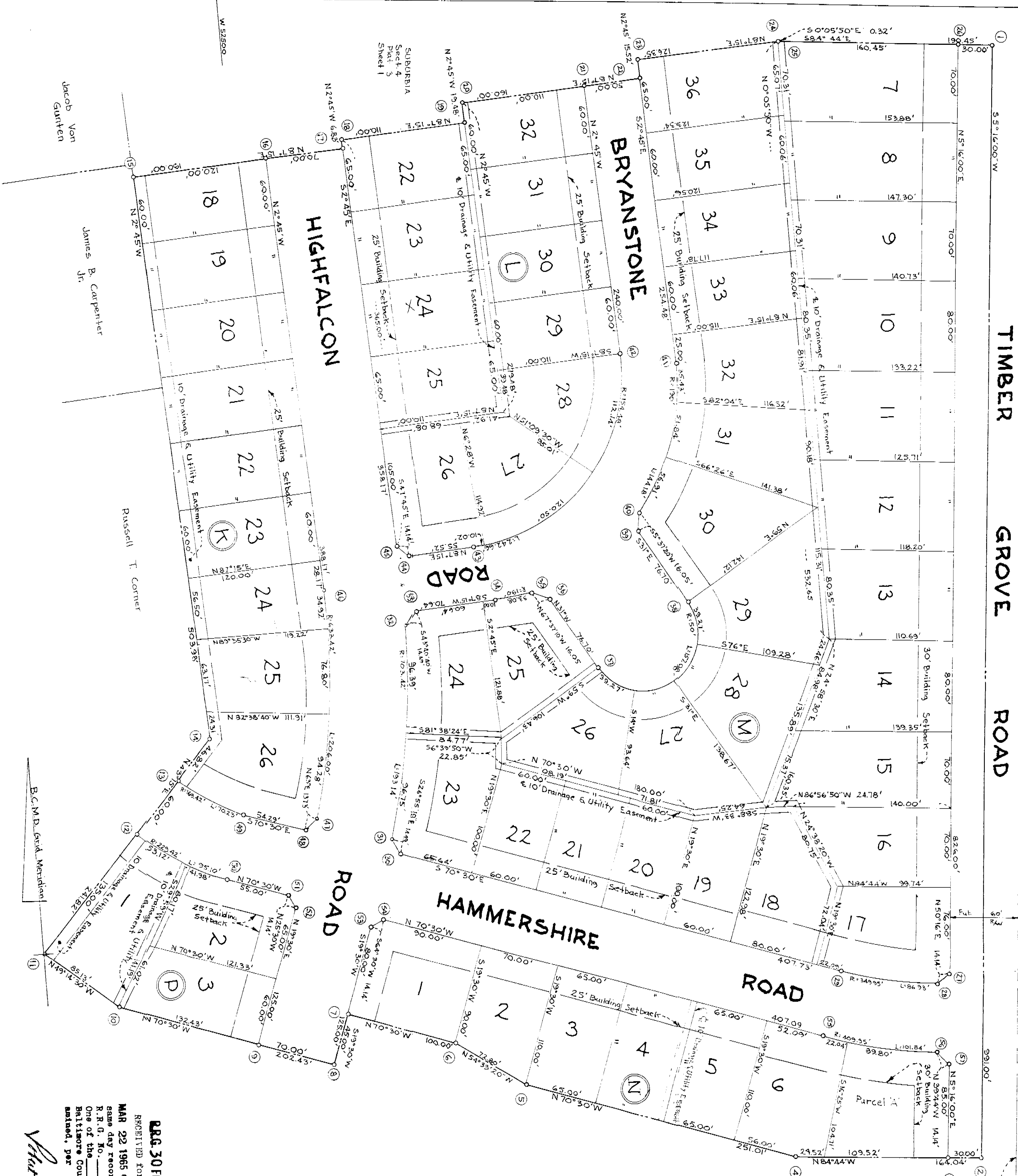
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'		
DATE	DELIGHT	Microfilmed N.W.
OF		
PHOTOGRAPHY	GWYNNEBROOK	14-1
JANUARY		
1986		

Ap Ex. 2

96-47-A

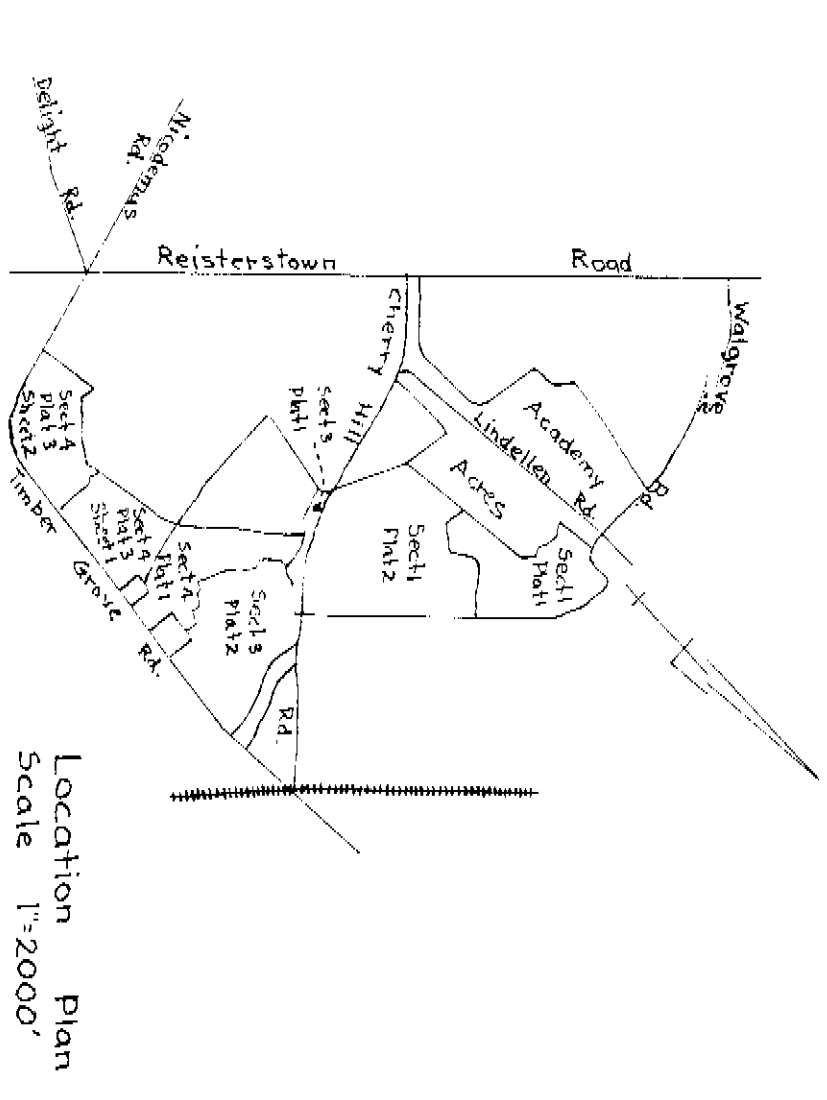
TIMBER GROVE ROAD



Note: Proposed future 5/1/19 line are established by the Baltimore County Engineering Dept. of Baltimore County.

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5	52305.90	53112.54	33	52361.10	53600.29
6	52345.21	53214.76	34	52298.54	53608.15
7	52474.50	53205.72	35	52211.45	53602.02
8	52474.50	53205.72	36	52211.45	53602.02
9	52474.50	53205.72	37	52211.45	53602.02
10	52474.50	53205.72	38	52211.45	53602.02
11	52474.50	53205.72	39	52211.45	53602.02
12	52474.50	53205.72	40	52211.45	53602.02
13	52474.50	53205.72	41	52211.45	53602.02
14	52474.50	53205.72	42	52211.45	53602.02
15	52474.50	53205.72	43	52211.45	53602.02
16	52474.50	53205.72	44	52211.45	53602.02
17	52474.50	53205.72	45	52211.45	53602.02
18	52474.50	53205.72	46	52211.45	53602.02
19	52474.50	53205.72	47	52211.45	53602.02
20	52474.50	53205.72	48	52211.45	53602.02
21	52474.50	53205.72	49	52211.45	53602.02
22	52474.50	53205.72	50	52211.45	53602.02
23	52474.50	53205.72	51	52211.45	53602.02
24	52474.50	53205.72	52	52211.45	53602.02
25	52474.50	53205.72	53	52211.45	53602.02
26	52474.50	53205.72	54	52211.45	53602.02
27	52474.50	53205.72	55	52211.45	53602.02
28	52474.50	53205.72	56	52211.45	53602.02
29	52474.50	53205.72	57	52211.45	53602.02

FROM TO	CURVE		DATA		TABLE	
	RAD.	A	ARC	TAN	CHD BEAR & DIST.	
23	28	340.95	10.14	43.65	517.37	100.00
24	28	340.95	10.14	43.65	517.37	100.00
25	28	340.95	10.14	43.65	517.37	100.00
26	28	340.95	10.14	43.65	517.37	100.00
27	28	340.95	10.14	43.65	517.37	100.00
28	28	340.95	10.14	43.65	517.37	100.00
29	28	340.95	10.14	43.65	517.37	100.00
30	28	340.95	10.14	43.65	517.37	100.00
31	28	340.95	10.14	43.65	517.37	100.00
32	28	340.95	10.14	43.65	517.37	100.00
33	28	340.95	10.14	43.65	517.37	100.00
34	28	340.95	10.14	43.65	517.37	100.00
35	28	340.95	10.14	43.65	517.37	100.00
36	28	340.95	10.14	43.65	517.37	100.00



REC. 30 FOLD 84
RECORDED FOR RECORD
MAR 22 1965 at
P.M.
same day recorded in Liber
R.R.G. No. 10110
One of the records of
Baltimore County and ex-
hibited, per
[Signature]
Clerk

SECTION 4 PLAT 3 SHEET 2
SUBURBIA
BALTIMORE CO., MD.
OWNER: THE SANFORD LAND CO.
233 EQUITABLE BUILDING
BALTIMORE 2, MARYLAND

96-47-A

APPROVED BY PLANNING BOARD OF BALTIMORE COUNTY
DATE 3/17/65
DIRECTOR
COUNTY ROADS ENGINEER

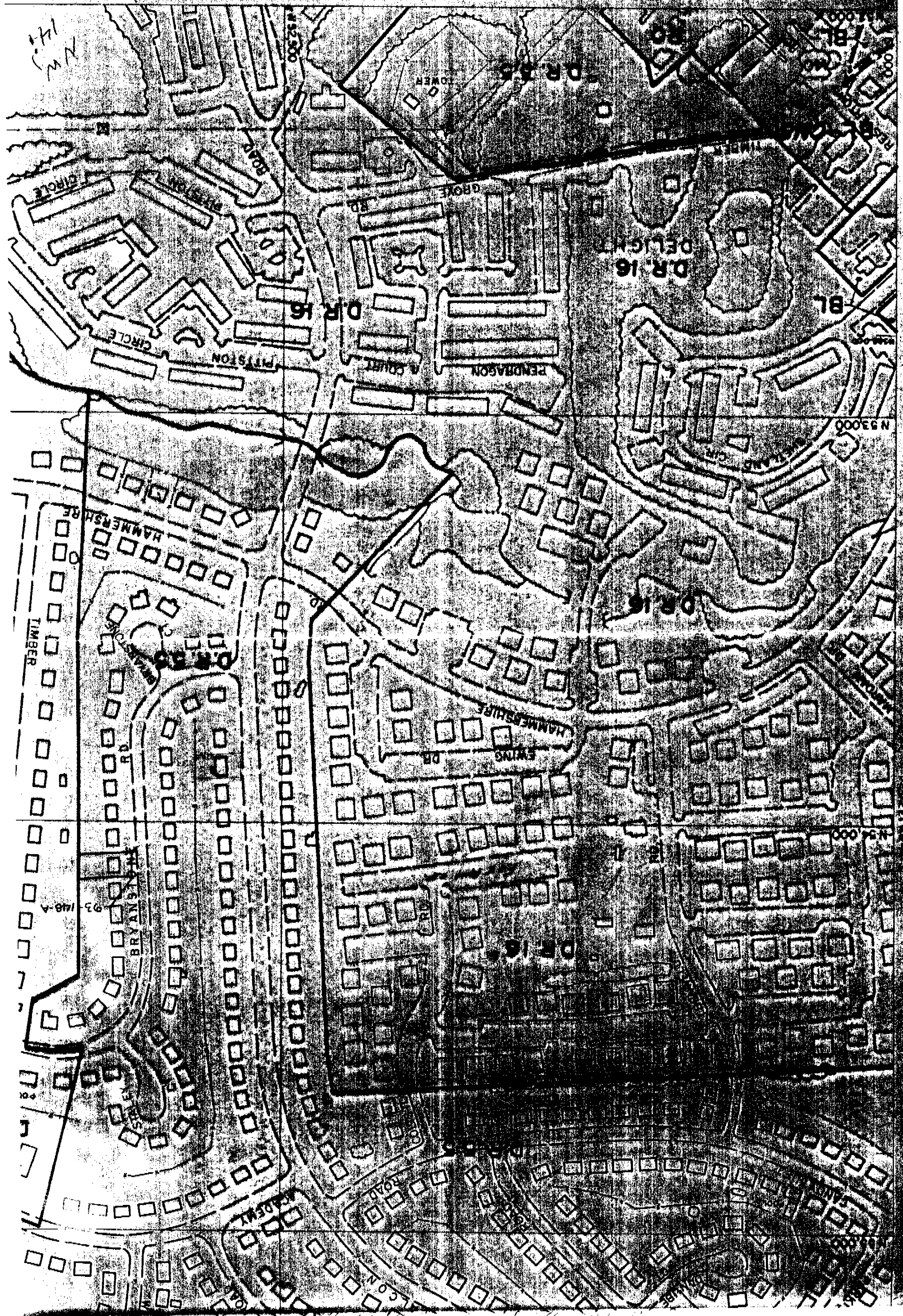
APPROVED
DATE 3/17/65
DEPUTY STATE & COUNTY HEALTH OFFICER
In testimony whereof, I have hereunto set my hand and the seal of the State of Maryland at Baltimore, Maryland, this 17th day of March, 1965.

Corrections and bearings shown on this plat are referred to the following records:
X 2103
X 2104
X 2106
X 2107
X 2110
X 2111
W 5288.46
W 5288.47
W 5288.48
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APR 9 53





Ap. 5x. 6

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IN THE MATTER OF
THE APPLICATION OF
ELLEN RUTH KILGORE
FOR A VARIANCE ON PROPERTY
LOCATED ON THE EAST SIDE HIGH
FALCON ROAD, 140' NORTH OF
CENTERLINE OF BRYANSTONE ROAD * BALTIMORE COUNTY
(211 HIGH FALCON ROAD)
4TH ELECTION DISTRICT * CASE NO. 96-47-A
3RD COUNCILMANIC DISTRICT

OPINION

This matter comes before the Board as an appeal from a decision of the Zoning Commissioner of Baltimore County dated October 31, 1995 which denied the property owner's Petition for a Zoning Variance to allow a side yard setback of 1 ft. 6 inches, and a sum of side yard setbacks of 14 ft. 9 inches in lieu of the required 8 ft. and 20 ft., respectively.

The Petitioner, Ellen Ruth Kilgore, belatedly requested the subject variance to add a sun room addition to her ranch style dwelling at 211 High Falcon Road in the County Club Estates subdivision in Reisterstown. The property is .016 acre in a D.R.5.5 zone and has been her place of residence for nineteen years.

Ms. Kilgore testified that the room addition was essentially to provide expanded living accommodations to the two bedroom house with no basement for three adult women. Ms. Kilgore explained that her sister, recently hospitalized, would be permanently moving to the home, and the room addition on the site of her parking pad was determined to be the best location. Ms. Carolyn Bator, adjacent property owner, was presumed to be supportive of the addition when informed by Petitioner.

ELLEN RUTH KILGORE Case No. 96-47-A

Without obtaining the required building permit, a contractor-friend commenced construction of the 12 ft. x 21 ft. addition. Working weekends for two months, the room was 90% completed when a Stop Work Order was issued. Petitioner testified that she approached her neighbors and obtained their signatures of support for the permit and County approval for completion of the addition. During the construction, Ms. Bator raised no objections.

Ms. Bator, an elderly lady who was represented at the hearing by her nephew, Robert Doarnberger, conveyed that she became concerned about the close proximity to her house, the noise of the construction, and the privacy of her bedroom so close to the sidewalk windows of the sun room.

In testimony, Mrs. Kilgore acknowledged that neither an above-ground pool nor an auxiliary shed (Petitioner's Exhibit Nos. 4 & 5) were built with the authorization of permit. She did not consider a building permit for the room addition because of the existing concrete pad in place. Petitioner estimated that she has \$10,000 invested in the addition.

The Board must consider the requested variance in consideration of Section 307.1 of the Baltimore County Zoning Regulations (BCZR). This regulation stipulates that area variances may be granted only in cases where special circumstances or conditions exist that are peculiar to the land, and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Also, any such variance may be granted only if in strict harmony with the spirit and intent of the law and without injury to public health, safety, and general welfare.

ELLEN RUTH KILGORE Case No. 96-47-A

Despite Petitioner's citing the rear yard shape and topography as a uniqueness of the property that limits the site (Petitioner's Exhibit No. 4), it is obvious that the property is not unlike the adjacent sites, and except for the shed and admittedly illegal pool positioning in earlier years, the difficulty of locating the room addition could have been accomplished in the rear yard. The Board concurs that the hardship now confronted by Petitioner was inadvertently self-inflicted. Improvements to the owner's property without permits was a mistake of major consequence, partially attributed to the oversight of the contractors. However bewildering this mistake appears for licensed contractors, the homeowner and/or the contractor is responsible for obtaining permits, a procedure Petitioner admitted in her testimony she knew to be necessary.

The construction of the room so close to the neighbor obviously has an adverse affect on Mrs. Bator. Mr. Doarnberger's remarks in behalf of Ms. Bator expressed amazement that the workman progressed to 90% completion in light of the obvious encroachment they were making in the neighboring fenced property.

Therefore, this Board finds that the property is not unique, and that any difficulties or hardship to the Petitioner are entirely self-inflicted arising from the instant and previous construction. For the reasons given above the variances requested should be denied.

ORDER

IT IS THEREFORE this 5th day of July, 1996 by the County Board of Appeals of Baltimore County

ORDERED that a variance from Section 1B02.3.B (211.3) of the

ELLEN RUTH KILGORE Case No. 96-47-A

Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 1 ft. 6 inches and a sum of side yard setbacks of 14 ft. 9 inches in lieu of the required 8 ft. and 20 ft., respectively, be and is hereby DENIED, subject to the following:

1. The Petitioner shall remove the addition within 120 days from the date of this Order and be responsible for returning said property to its original condition.

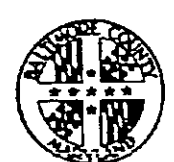
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz
Robert O. Schuetz, Chairman

S. Diane Levero
S. Diane Levero

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 42
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 837-3150

July 3, 1996

Robert D. Sellers, Esquire
Suite 303, 401 Washington Avenue
Towson, MD 21204

RE: Case No. 96-47-A
Ellen Ruth Kilgore - Petitioner

Dear Mr. Sellers:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject case will be closed.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Ellen Ruth Kilgore
Carolyn Bator
Barbara Doarnberger
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S High Falcon Road, 140 ft. * ZONING COMMISSIONER
W of c/A Bryanstone Road *
211 High Falcon Road *
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Ellen Ruth Kilgore * Case No. 96-47-A
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 211 High Falcon Road in the County Club Estates subdivision of Baltimore County. The Petition is filed by Ellen R. Kilgore, property owner. Variance relief is requested from Sections 1B02.3.B (211.3) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 1 ft. 6 inches, and a sum of side yard setbacks of 14 ft. 9 inches in lieu of the required 8 ft. and 20 ft., respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

This Petition was initially filed as an Administrative Variance pursuant to Section 26-207 of the Baltimore County Code. That section allows variance relief to be granted for residential property without a public hearing in some circumstances. However, in this case, a request for public hearing was received from an adjacent property owner, Carolyn Bator. Thus, the matter was scheduled for public hearing and same was convened on October 18, 1995.

Appearing at the requisite public hearing held for this case was the aforementioned property owner, Ellen R. Kilgore. Also appearing in support of the Petition was Diane Marcum. Appearing in opposition to the

request was the aforementioned Carolyn Bator, Barbara Doarnberger and Alicia Doarnberger.

Testimony and evidence presented was that the subject property is approximately .016 acres in area, zoned D.R.5.5. As noted above, this is a residential property located within the Country Club Estates subdivision in northwest Baltimore County. The property is improved with an existing single family dwelling. To the rear of the dwelling is a small shed and a pool.

The subject variance results from the construction of an addition on the side of the dwelling. Ms. Kilgore testified that the interior of the dwelling is very small. She resides therein with Ms. Marcum and indicated that her sister may come to live with her in the future. In order to accommodate three adults, the Petitioner had constructed an addition to the side of the house. The addition is 12 ft. wide and 21 ft. deep. It is similar in appearance to a sun room/3 season room. The Petitioner indicated that the room would be used as a family room and be utilized year round. She noted that the additional space required could not be added to other sides of the structure.

Ms. Bator objects to the room which apparently was constructed without the benefit of a permit. She notes that the houses are very close together in this area. Her house is but 13 ft. 8 inches from the property line and approximately 15 ft. from the side wall of the addition. She also noted that her bedroom is located on the side of her house which faces the addition. Ms. Bator is an elderly citizen and indicates that the activity in the addition frequently inconveniences and awakens her. She opposes the variance relief for these reasons.

I must consider the requested variance in accordance with the standards set forth in Section 307.1 of the BCZR. That section requires that

ORDER RECEIVED FOR FILING
Date 7/3/96
By [Signature]

the Petitioner demonstrate that the property enjoy some unique characteristic which justifies the relief. As importantly, the Petitioner must demonstrate that a practical difficulty would result if the variance relief were denied and that the spirit and intent of the regulations is being observed. Lastly, it must be shown that the relief can be granted without detriment to the surrounding properties.

I am not persuaded that the Petitioner has satisfied her burden. The practical difficulty test is not met in that the possible addition of another resident has not, in fact, occurred. Indeed, Ms. Kilgore's testimony is that the property's occupants are presently herself and Ms. Marcum. Whether her sister comes to live with her is entirely speculative.

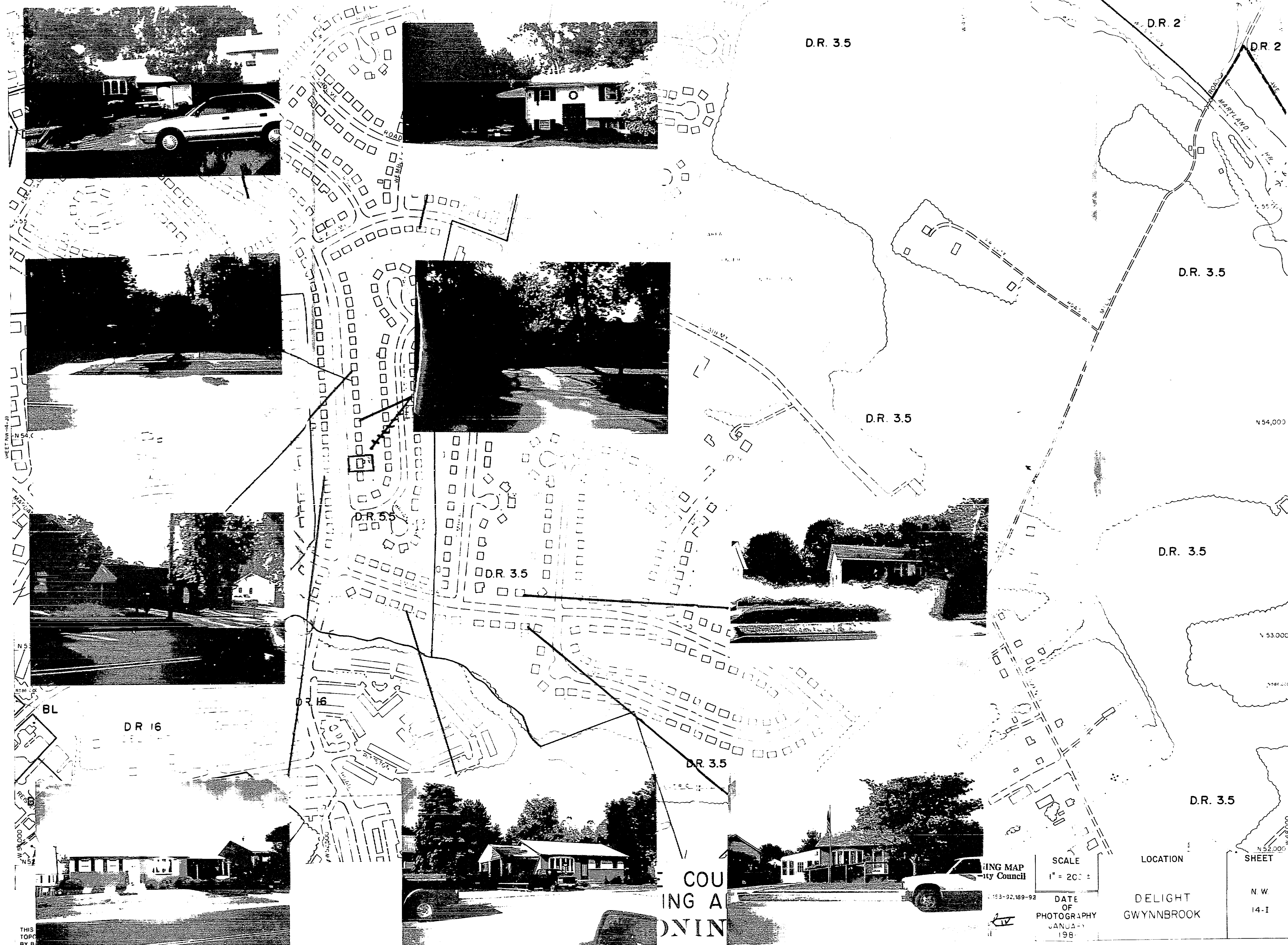
Also of concern is the fact that the room reduces an already narrow distance between the houses. Surely, the construction of the room and its use has adversely impacted the neighboring property and its permissible use by Ms. Bator. It is unfair to this resident to be subjected to the noises and activity associated with the use of the room. Moreover, the room was built without a permit, thus, there is no justification for affording the Petitioner any relief because the improvements have been completed.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

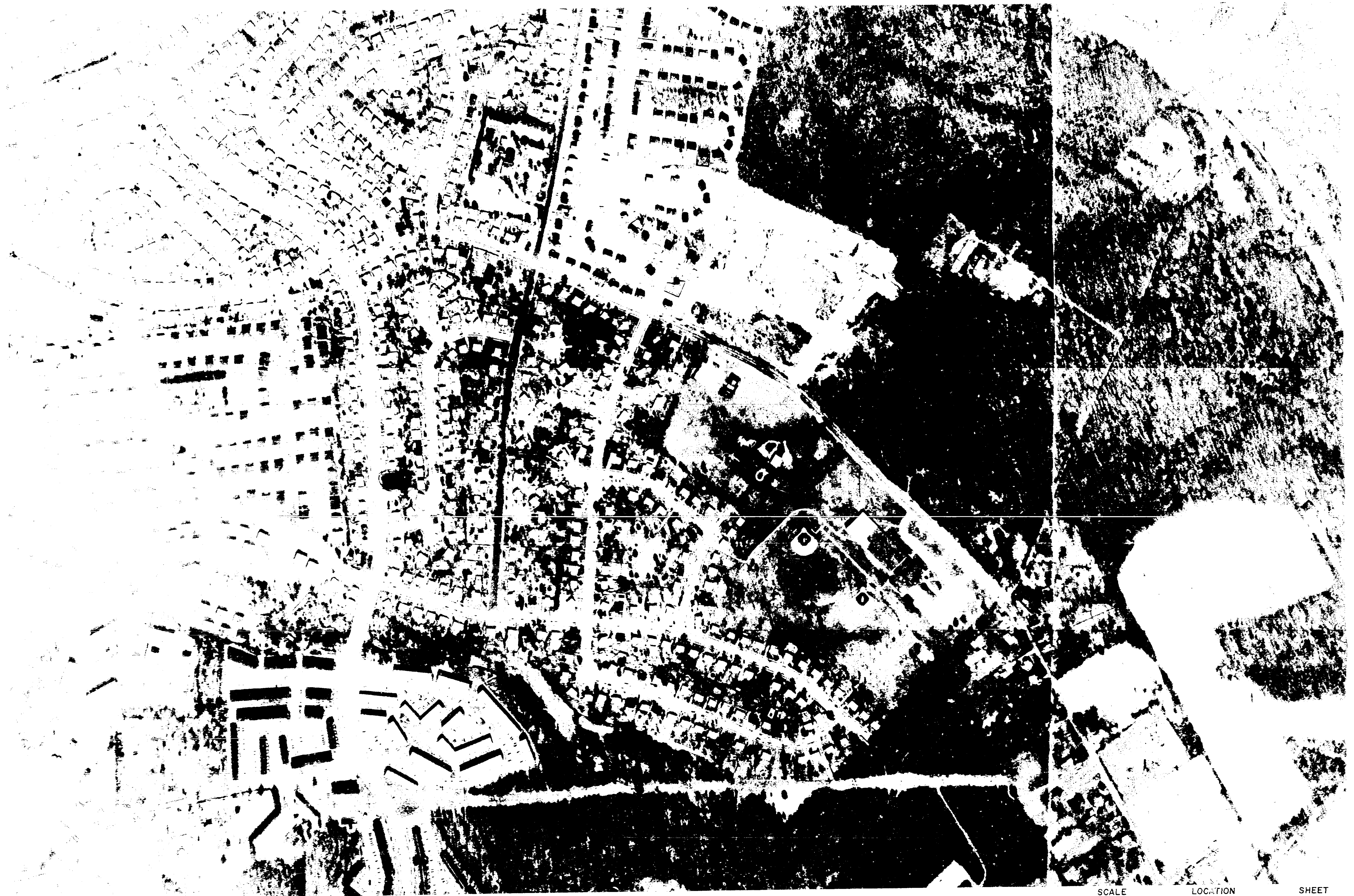
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of October, 1995 that a variance from Section 1B02.3.B (211.3) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 1 ft. 6 inches, and a sum of side yard setbacks of 14 ft. 9 inches in lieu of the required 8 ft. and 20 ft., respectively, be and is hereby DENIED, subject to the following:

ORDER RECEIVED FOR FILING
Date 7/3/96
By [Signature]

4 p. EX. 6



COUNCIL
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BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

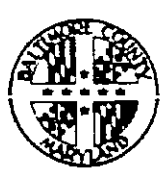
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GWYNNBROOK

SHEET
N.W.
14-1

96-47-A

Ap. Ex. 7



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 13, 1996

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-47-A ELLEN RUTH KILGORE - Petitioner
E/s High Falcon Road, 140' N of c/l Bryanstone Road (211 High Falcon Road)
4th Election District
3rd Councilmanic District

VAR -To allow side yd setback of 1'6" and a sum of side yd setbacks of 14'9" in lieu of required 8' and 29' respectively.

10/31/95 -Z.C.'s Order in which Petition for Variances is DENIED.

ASSIGNED FOR: WEDNESDAY, JUNE 5, 1996 at 10:00 a.m.

cc: Robert D. Sellers, Esquire Counsel for Appellant /Petitioner
Ellen Ruth Kilgore Appellant /Petitioner

Ms. Carolyn Bator Protestant
Ms. Barbara Doarnberger

People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant

2/13/96 -Notice of Assignment for hearing scheduled for Wednesday, June 5, 1996 at 10:00 a.m. sent to following:

Robert D. Sellers, Esquire
Ellen Ruth Kilgore
Ms. Carolyn Bator
Ms. Barbara Doarnberger
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

TO: PUTNEY PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

Ellen Kilgore
211 High Falcon Road
Reisterstown, MD 21136
833-7489

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-47-A (Item 53)
211 High Falcon Road
4th Election District - 3rd Councilmanic
Legal Owner: Ellen Ruth Kilgore
HEARING: WEDNESDAY, OCTOBER 18, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variances to allow a side yard setback of 1 foot, 6 inches and a sum of side yard setbacks of 14 ft., 9 inches in lieu of the required 8 ft. and 20 ft., respectively.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 20, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-47-A (Item 53)
211 High Falcon Road
4th Election District - 3rd Councilmanic
Legal Owner: Ellen Ruth Kilgore
HEARING: WEDNESDAY, OCTOBER 18, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variances to allow a side yard setback of 1 foot, 6 inches and a sum of side yard setbacks of 14 ft., 9 inches in lieu of the required 8 ft. and 20 ft., respectively.

Carl Jablon

Arnold Jablon
Director

cc: Ellen Ruth Kilgore
Sabrina Milay

NOTES: (1) ZONING STAFF & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 6, 1995

Ms. Ellen Ruth Kilgore
211 High Falcon Road
Reisterstown, MD 21136

RE: Item No.: 53
Case No.: 96-47-A
Petitioner: E. R. Kilgore

Dear Ms. Kilgore:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 4, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM *Joyce Watson* DATE: *8/24/95*
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: *8/14/95*

ZAC Comments

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: *43*
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LS:sp

LETTY2/DEPRM/TXTSPB

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 22, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, *PDM* Chief
Development Plans Review
RE: Zoning Advisory Committee Meeting
for August 21, 1995
Items 044, 046, 047, 048, 049, 051, 053 and 054

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 14, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 43,44,45,46,48,49,50, 51,52,53 AND 54.

RECEIVED
AUG 11 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File
Printed on Recycled Paper



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 053 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Suris, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for impaired hearing or speech
1-800-735-2258 Statewide toll free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 8, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51, 53, and 54.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Cory L. Penn*

PK/JL

ITEM26/PZONE/ZAC1



**Baltimore County
Department of Permits and
Development Management**

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 19, 1995

Ellen Ruth Kilgore
211 High Falcon Road
Reisterstown, Maryland 21136

Re: Case Number: 96-47-A

Dear Petitioners:

It has been determined by the Zoning Commissioner's Office that this matter should be set in for public hearing. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary that we repost the property and run notice of the hearing in a newspaper of general circulation.

The reposting charge in the amount of \$35.00 is now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

Very truly yours,

Arnold Jablon
ARNOLD JABLON, DIRECTOR

AJ:ggs

Printed with Soybean Ink
on Recycled Paper

**PETITION PROBLEMS
AGENDA OF**

#44 — RT

1. Need power of attorney for person signing for contract purchaser.
2. Who signed petition for attorney?

#45 — MJK

1. Need power of attorney for person signing for contract purchaser.

#47 — JLL

1. Margaret Miller is trustee for who?
2. Need power of attorney for Margaret Miller, trustee.
3. Leonard Miller is trustee for who?
4. Need power of attorney for Leonard Miller, trustee.
5. Need telephone numbers for all legal owners.

#50 — JLL

1. Notary section is incomplete.

#51 — JCM

1. Notary section is incomplete.

#52 — JJS

1. No item number on receipt.
2. No city, state, or zip code for legal owner.

#53 — JJS

1. No zoning indicated on petition form.



**Baltimore County
Department of Permits and
Development Management**

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-333-1900
Fax 410-333-2824

November 28, 1995

Ms. Carolyn Bator
213 High Falcon Road
Reisterstown, MD 21136

Ms. Barbara Doarnberger
5978 Camelback Lane
Columbia, MD 21045

Re: Petition for Zoning
Variance
E/S High Falcon Road
140 ft. N of c/l
Bryanstone Road
211 High Falcon Road
4th Election District
3rd Councilmanic District
Ellen Ruth Kilgore -
Petitioner
Case No. 96-47-A

Dear Ms. Bator and Ms. Doarnberger:

Please be advised that an appeal of the above-referenced case was filed in this office on November 27, 1995 by Ellen Kilgore. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmm

c: People's Counsel

APPEAL

Petition for Zoning Variance

E/S High Falcon Road
140 ft. N of c/l Bryanstone Road

211 High Falcon Road
4th Election District - 3rd Councilmanic District
Ellen Ruth Kilgore - Petitioner
Case No. 96-47-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner/Protestant Sign-In Sheet

Letter and four photographs to Arnold Jablon from Sabrina Miley dated August 29, 1995

Plat to accompany Petition for Zoning Variance (Not Marked as Exhibit)

Aerial Photographic Map to accompany Petition for Zoning Variance

200 Scale Zoning Map of location to accompany Petition for Zoning Variance

Recorded Plat to accompany Petition for Zoning Variance

Ten photographs attached to bond paper to accompany Petition for Zoning Variance (Not Marked as Exhibits)

Petition in support of the addition (Not Marked as Exhibit)

Five loose photographs to accompany Petition for Zoning Variance (Not Marked as Exhibits)

Zoning Commissioner's Order dated October 31, 1995 (Denied)

Notice of Appeal received on November 27, 1995 from Ellen Kilgore

c: Ms. Ellen R. Kilgore, 211 High Falcon Road, Reisterstown, MD 21136
Ms. Carolyn Bator, 213 High Falcon Road, Reisterstown, MD 21136
Ms. Barbara Doarnberger, 5978 Camelback Lane, Columbia, MD 21045
People's Counsel of Baltimore County, N.S. 2010

Request Notification: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

APPEAL

Petition for Zoning Variance

E/S High Falcon Road
140 ft. N of c/l Bryanstone Road

211 High Falcon Road
4th Election District - 3rd Councilmanic District
Ellen Ruth Kilgore - Petitioner
Case No. 96-47-A

Petition for ~~Zoning~~ Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Letter to be attached to bond paper to accompany Petition for Zoning Variance

Petitioner/Protestant Sign-In Sheet

Letter and four photographs to Arnold Jablon from Sabrina Miley dated August 29, 1995

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c: Ms. Ellen R. Kilgore, 211 High Falcon Road, Reisterstown, MD 21136
Ms. Carolyn Bator, 213 High Falcon Road, Reisterstown, MD 21136
Ms. Barbara Doarnberger, 5978 Camelback Lane, Columbia, MD 21045
People's Counsel of Baltimore County, N.S. 2010

Request Notification: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Counsel for Petitioner-Appellant:

Robert D. Sellers, Esquire
Suite 303, 401 Washington Avenue
Towson, MD 21204

ROBERT D. SELLERS
ATTORNEY AT LAW

Suite 303
401 Washington Avenue
TOWSON, MD 21204

ROBERT D. SELLERS
LAURENCE E. SCHMIDT
*ALSO ADMITTED IN VA

(410) 583-2712
(800) 543-6309
FAX (410) 583-2378

January 17, 1996

Clerk
Board of Appeals for Baltimore County
400 Washington Avenue
Room 49, Old Court House
Towson, MD 21204

RE: Case No. 96-47-A

Dear Clerk:

Enclosed for filing, please find my Entry of Appearance on behalf of the Petitioner/Appellant in the above-referenced matter. If a hearing date has been set, please notify me immediately.

Robert D. Sellers
Robert D. Sellers

RDS/jpg
Enclosure

cc: Peter Max Zimmerman, Esquire
Ellen Ruth Kilgore

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S High Falcon Road, 141 ft. * BOARD OF APPEALS
N of C/1 Brynastone Road *
211 High Falcon Road * OF BALTIMORE COUNTY
4th Election District *
3rd Councilmanic District * Case No. 96-47-A
Ellen Ruth Kilgore *
Petitioner *

ENTRY OF APPEARANCE

Please enter the appearance of Robert D. Sellers as attorney
for Petitioner, Ellen Ruth Kilgore, in the above-referenced matter.

Robert D. Sellers
Robert D. Sellers, Esquire
400 Washington Avenue
Suite 303
Towson, MD 21204
410-588-1712
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 1st day of January,
1996, a copy of Entry of Appearance was mailed first class,
postpaid, to Peter Max Zimmerman, People's Counsel for Baltimore
County, 400 Washington Avenue, Room 47, Old Court House, Towson, MD
21204.

Robert D. Sellers
ROBERT D. SELLERS

SABRINA MILEY
5632-257 STEVENS FOREST ROAD
COLUMBIA, MARYLAND 21045
410 740 1787

Mr. Arnold Jablon
Director
Permits, Development and Management
111 West Chesapeake Avenue
Towson, Maryland 21204
RE: Case Number 96-47-A

August 28, 1995

Dear Mr. Jablon:

I am writing this letter on behalf of my Aunt who lives at 213 High Falcon. My Aunt's property and comfort has been directly affected by the extension her neighbor, Ms. Ellen Kilgore, is adding to the home located at 211 High Falcon. I have several points that I would like you to consider before making your decision about the extension.

The variance application that was read to me by your office states that Ms. Kilgore, full-time resident of 211 High Falcon, is one of three adults living in the home and they need another bedroom for her sick sister. She also stated that it was getting crowded in the house, and the place she started to put the room was the best choice for it, since it already had an existing entrance. I disagree with these statements for the following reasons:

- According to my Aunt and one of the neighbors I spoke with, Ms. Kilgore and one other adult woman lives in the home. The second woman seems to reside at the residence only sporadically. Ms. Kilgore herself is a manager of a restaurant, and rarely home. There is no sick sister that lives in the residence.
- I took some photographs on Saturday, August 26, 1995 from the sidewalk in front of Ms. Kilgore's home, and from my Aunt's yard. Please examine the enclosed photographs labeled "A" and "B". This room is not made to be a bedroom. The room appears to have four full-size sliding glass doors, two on the front of the addition, which directly faces High Falcon, and two on the back of the addition. The windows on the side of the addition, which sits almost flush to the fence between my Aunt's and Ms. Kilgore's property, has seven windows close to the fence level. Each window appears to be approximately two feet wide and three feet high. Two skylights are also visible, one on either side of the room. This room is not a practical choice to use as a bedroom. Maryland winters are too harsh for a bedroom that is almost completely glass on three sides: especially for someone who is sick. There is also lawn furniture set up inside the room and it is connected to the kitchen via a sliding glass door. This leads me to believe the room is going to be used exactly as the builder intended it to be used: for a screened-in porch.
- All of the windows on the extension open. My Aunt's bedroom is right next to the extension, and my Aunt does not have central air conditioning. The light and noise that will come from the addition in the evening will disturb my Aunt when she is trying to sleep.

Case Number 96-47-A

Page 2

- Please examine the photograph labeled "C". The work will not be able to be completed without tearing down the fence between the two properties. There is not enough room to get between the fence and the addition to work.
- Please examine the photograph labeled "D". On the opposite side of the house, near the above-ground pool, there is a door visible. My Aunt was told by Ms. Kilgore this door was put in to allow indoor and outdoor access to the laundry room. If adding a room was a necessity, Ms. Kilgore could have used this existing entrance to legally build the room on that side of her home, or toward the back of her home and moved the pool if necessary. There appears to be plenty of room to do this.
- The home originally had three bedrooms. Ms. Kilgore, being very proud of her home improvements, has told my Aunt that in addition to the laundry room change and the pool addition, she had two of the bedrooms made into one large bedroom. She has added and removed fireplaces and decks. She has removed walls and extended her kitchen. There is nothing wrong with making improvements to your home, but from past history each improvement has lead to another addition or improvement. If this addition is allowed to stay, what happens next? Will Ms. Kilgore continue to build down my Aunt's property line?
- When the work was stopped by the county on this addition, Ms. Kilgore told my Aunt, who is in her 90's, that she needed to use three feet of my Aunt's property in order to finish her extension. She then asked my Aunt to give the land to her, which my Aunt refused to do. This fact shows that Ms. Kilgore and her contractor did not research building codes and building requirements: unless a permit was purposely not obtained.

I respectfully request that you turn down the application to complete the building of this addition. First of all, Ms. Kilgore deliberately attempted to build the addition without obtaining a permit. The completion of this room is not a hardship to Ms. Kilgore, for she caused it herself. Secondly, my Aunt may want to sell her property one day and this addition will almost certainly have an effect on resale. Who would want to buy a house where the next door neighbor can see clearly into the master bedroom from her screened-in porch? Lastly, it is my opinion that this room was never intended to be used as a bedroom as stated in Ms. Kilgore's variance application. Please turn down the application to complete this addition. My Aunt cannot easily attend hearings and she should not have to defend her property.

Sincerely,

Sabrina M. Miley

Enclosures

RECEIVED
AUG 31 1995

ZADM

To Arnold Jablon,

I wish to appeal case number
96-47A (Item 53).

Thank you,

Ellen Kilgore
211 High Falcon Rd.
Riverview, Maryland
21136
Phone - 410-833-7479

RECEIVED
NOV 27 1995
PDM

PLEASE PRINT CLEARLY

NAME	ADDRESS
<i>Ellen Kilgore</i>	<i>211 High Falcon Rd</i>
<i>Sharon Wideman</i>	<i>211 High Falcon Rd</i>
<i>Carolyn Bator</i>	<i>213 High Falcon Rd</i>
<i>BABARA DOORNBESKER</i>	<i>5978 Camelback L.S.</i>
<i>GLORIA DOORNBESKER</i>	<i>Columbia, MD 21045</i>

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 211 High Falcon Rd

Subdivision name: COUNTRY CLUB ESTATES

plat book 30, folio 24, lot 24, section 4 Block L 96-47-A

OWNER: Ellen Ruth Kilgore

LOCATION INFORMATION

Election District: 4

Councilmanic District: 3

1"=200' scale map: NW 14-I

Zoning: PR-S

Lot size: 2016 7150 square feet

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: 53 CASE#:

date: _____ prepared by: _____

Scale of Drawing: 1"=30'

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 211 High Falcon Rd

Subdivision name: COUNTRY CLUB ESTATES

plat book 30, folio 24, lot 24, section 4

OWNER: Ellen Ruth Kilgore

LOCATION INFORMATION

Election District: 4

Councilmanic District: 3

1"=200' scale map: NW 14-I

Zoning: DR-S.5

Lot size: 2016 7150 square feet

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: 53 CASE#:

date: _____ prepared by: _____

Scale of Drawing: 1"=30'

I have no objections to the new
addition at Mrs. Kilgore's residence
211 High Falcon Rd.

Sharon Wideman

211 High Falcon Rd

Carolyn Bator

213 High Falcon Rd

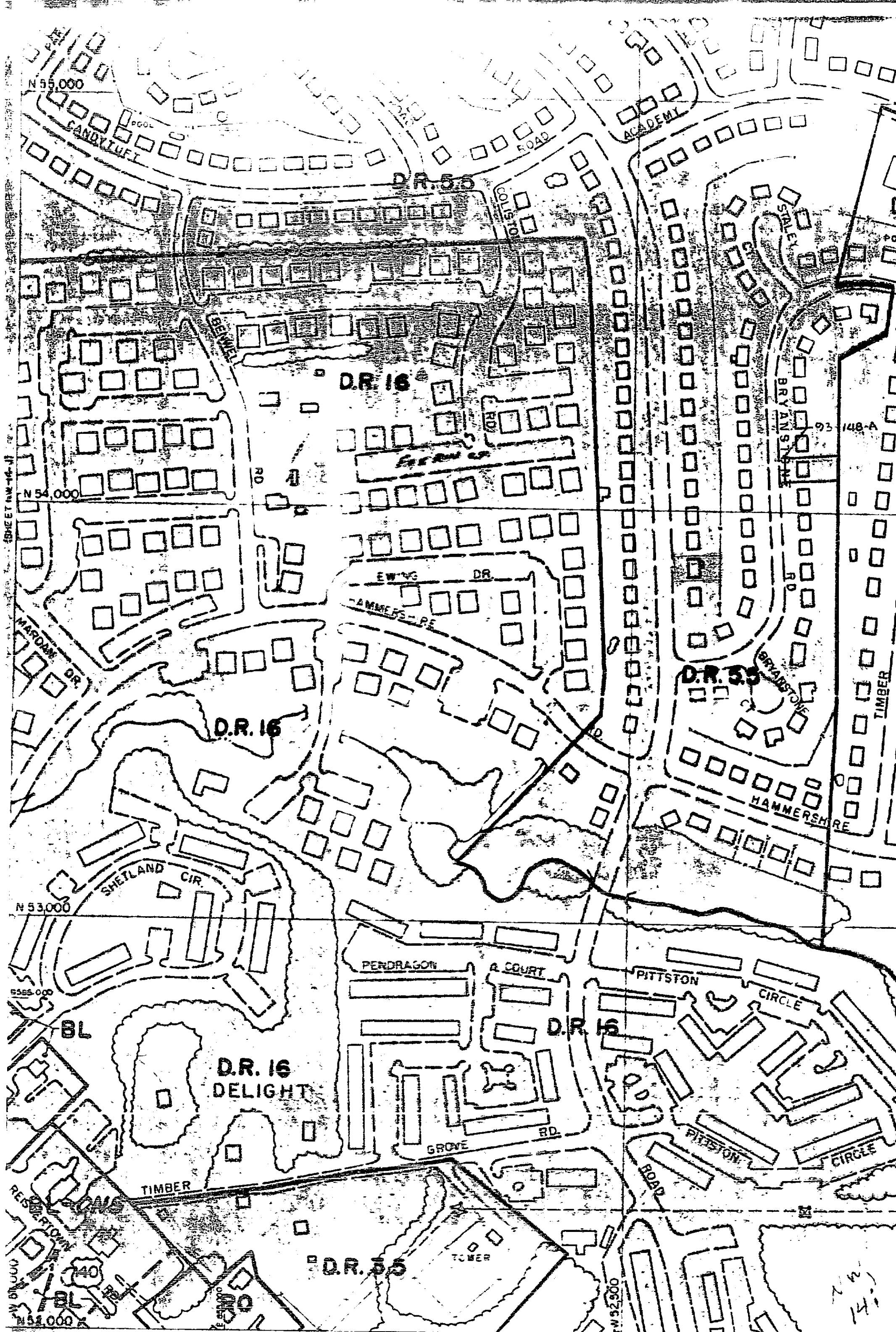
Sharon Wideman

211 High Falcon Rd

Sharon Wideman

211 High Falcon Rd

#53



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 211 High Falcon Rd which is presently zoned DR-55

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1802.3.B (211.3)

To allow a side yard setback of 1 ft., 6 in. and a sum of side yard setbacks of 14 ft., 9 in. in lieu of the required 8 ft. and 20 ft. respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See other side

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Purchaser/Assee
Type or Print Name
Signature
Address
City
State
Zipcode
Attorney for Petitioner
Type or Print Name
Signature
Address
City
State
Zipcode
Phone No.

Large Owner
Type or Print Name
Signature
Address
City
State
Zipcode
Phone No.

Ellen Ruth Kilgore
211 High Falcon Rd
Baltimore MD 21136
8-4-95

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1802.3.B (211.3)

DATE: 8-4-95
POSTING DATE: 8/13
ITSM #: 53

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 211 High Falcon Rd
Reisterstown, MD 21136

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address, namely: (Indicate hardship or practical difficulty)

There are three adults which one is my sister who is very ill we only have two bedrooms and closet space. We need more room as it is very crowded. We thought it was best to put an addition off the kitchen which has an existing outcrop. This is located on the north side of the house. This seems to be the best place to put this addition. We are in great need of this room as it is very crowded.

That Affiant(s) acknowledge(s) that if it is found that Affiant(s) will be required to pay advertising fee and may be required to provide additional information.

Ellen Ruth Kilgore
Signature
Type or Print Name
Signature

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 4 day of August, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Ellen Ruth Kilgore

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

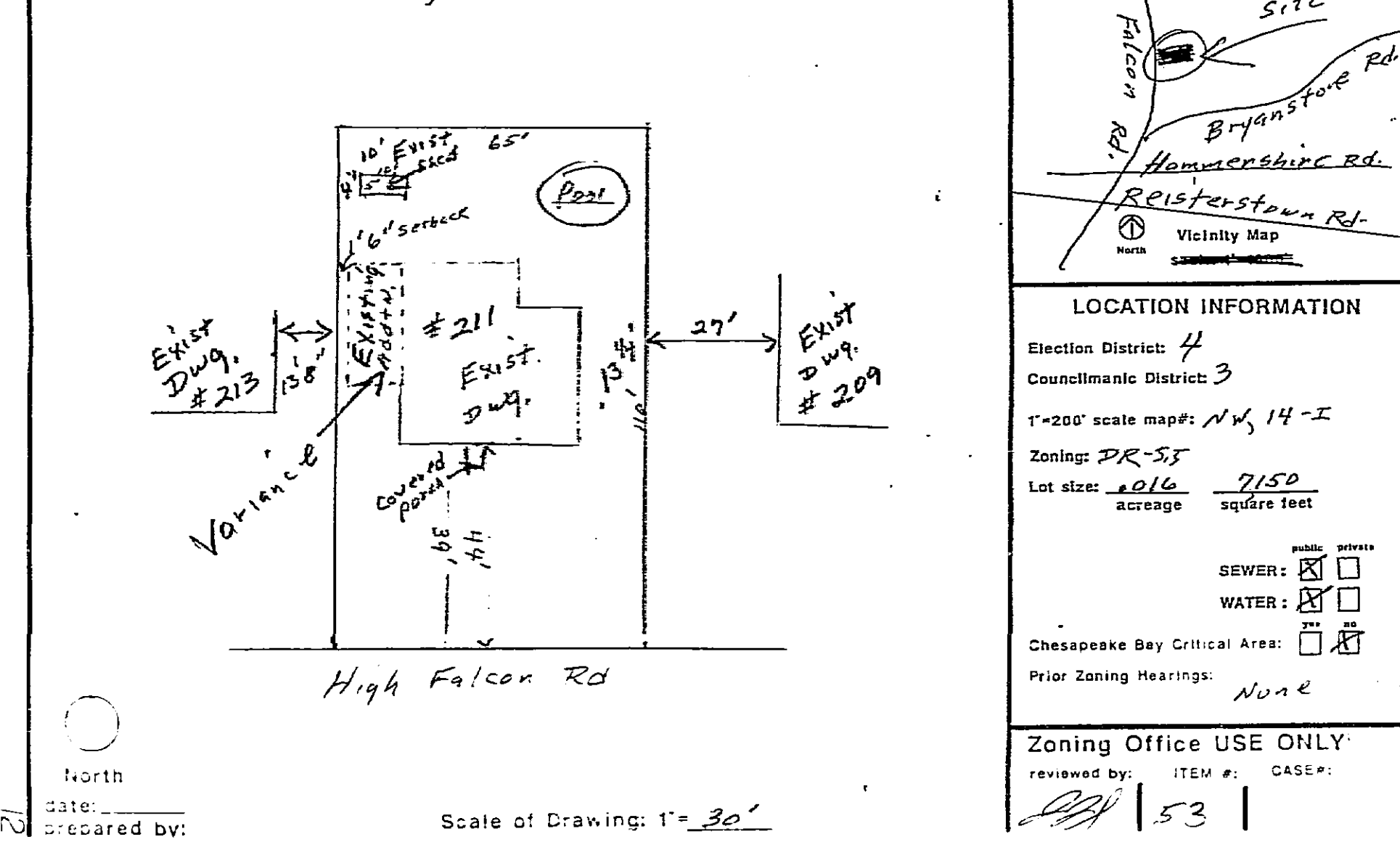
AS WITNESS my hand and Notarial Seal.
DATE: 8-4-95
My Commission Expires: 7/1/98

Zoning Description for 211 High Falcon Rd.

Beginning at a point on the East side of High Falcon Rd. which is 25 FT. wide at the distance of 140' NORTH of the center line of the nearest improved intersecting street Bryansstone Rd. which is 50' wide. Being Lot #24, Block L, section #4 in the subdivision Country Club Estates as recorded in Baltimore County Plat Book #30, Folio #84, containing 7,150 sq. ft. Also known as 211 High Falcon Rd. and located in the 4 Election District, 3 Councilmanic District.

Plat to accompany Petition for Zoning Variance

PROPERTY ADDRESS: 211 High Falcon Rd
Subdivision name: Country Club Estates
Plat book: 30, folio 84, section 4, Block L, 96-47-A
OWNER: Ellen Ruth Kilgore



LOCATION INFORMATION
Election District: 4
Councilmanic District: 3
1"=200' scale map: N.Y. 14-I
Zoning: DR-55
Lot size: 7,150 square feet
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: None
Zoning Office USE ONLY:
reviewed by: ITEM # CASE #
53

Ap. Ex. 3

I have no objections to the new addition at Mrs. Kilgore's residence 211 High Falcon Rd.

5 EUSE HOPKINS
209 HIGH FALCON RD
Carolyn Bator
213 HIGH FALCON RD
Robert Wideman
210 HIGH FALCON RD.
Robert Wideman
210 High Falcon Rd.

#53

4 PHOTOS
TO BE ATTACHED
TO 8/28/75 CDR
FROM S.M. MILEY
(A → D)

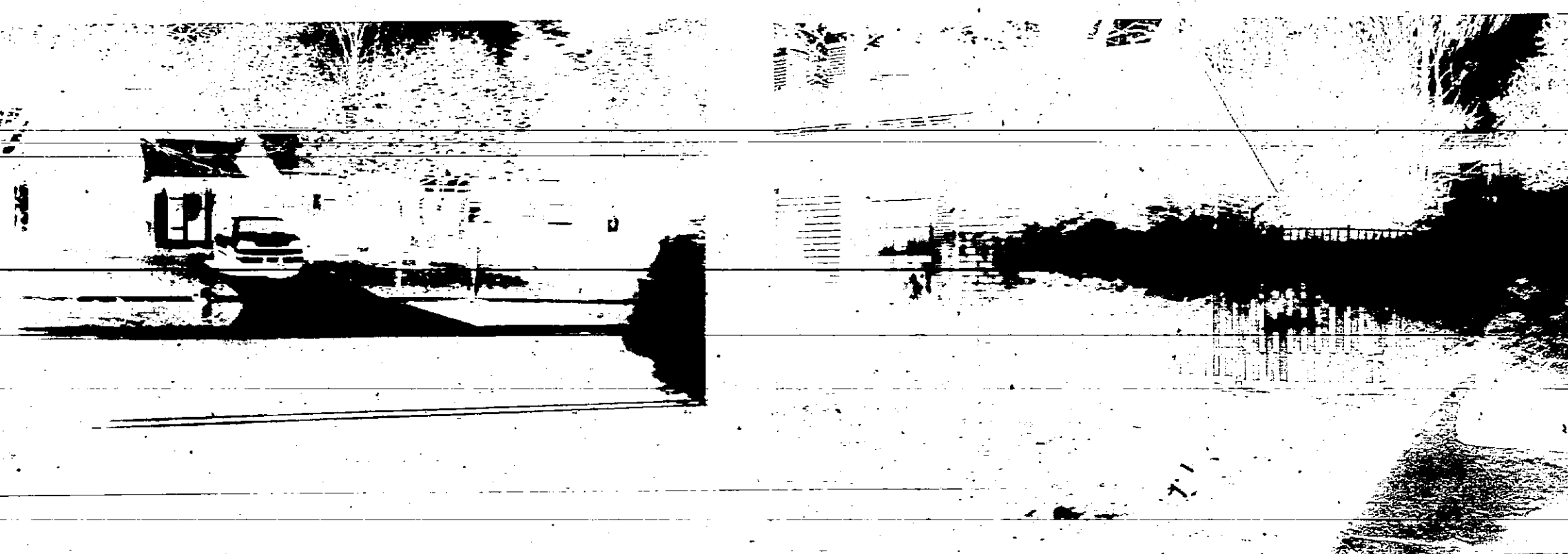


ADDITIONAL PHOTOS
96-47-A



County Board of Appeals of Baltimore County
ROOM 40 OLD COURTHOUSE
TOWSON, MARYLAND 21204

96-47-A
APPEAL / REVIEWED
2-3-78 NOS. 2, 4 & 5

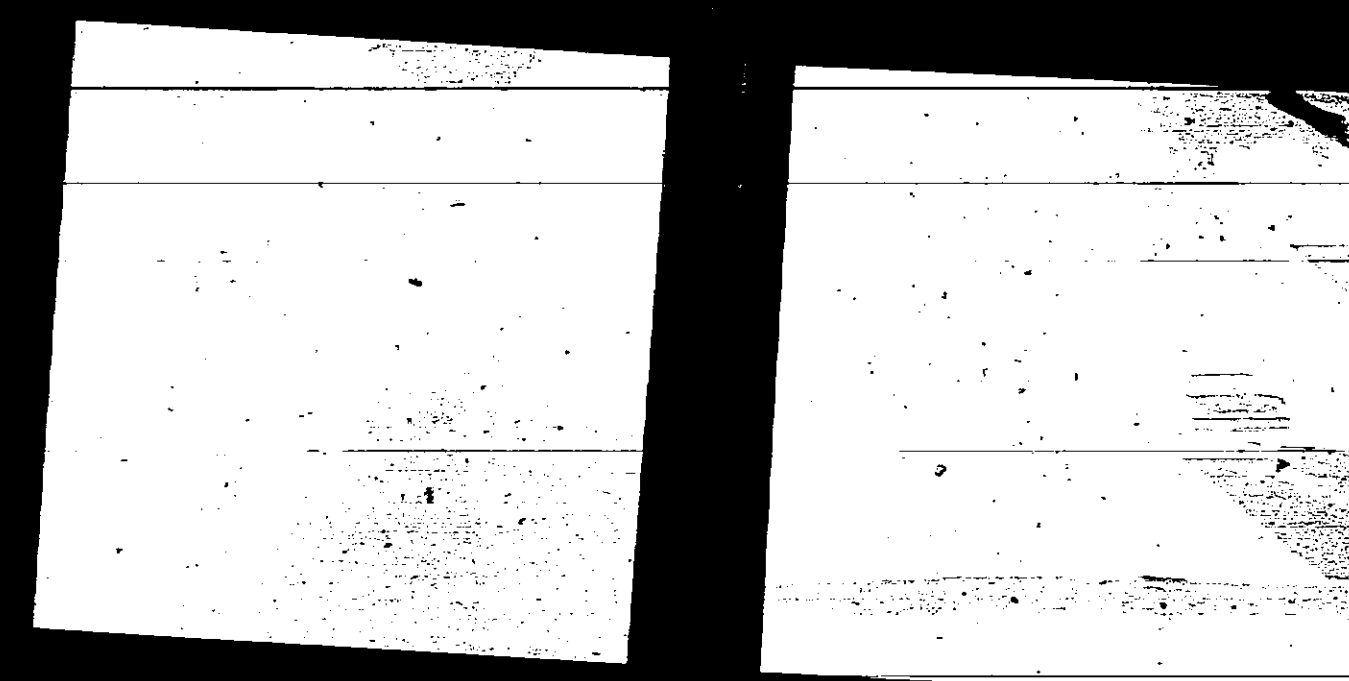


96-47-A



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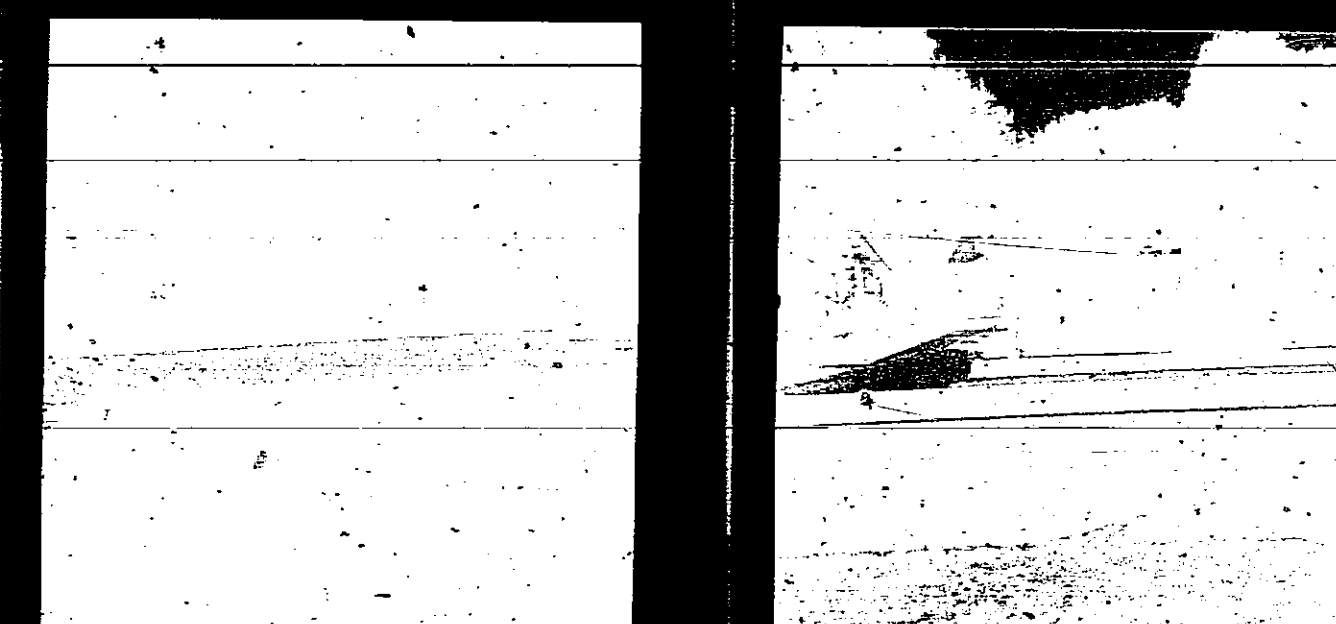
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96-47-A



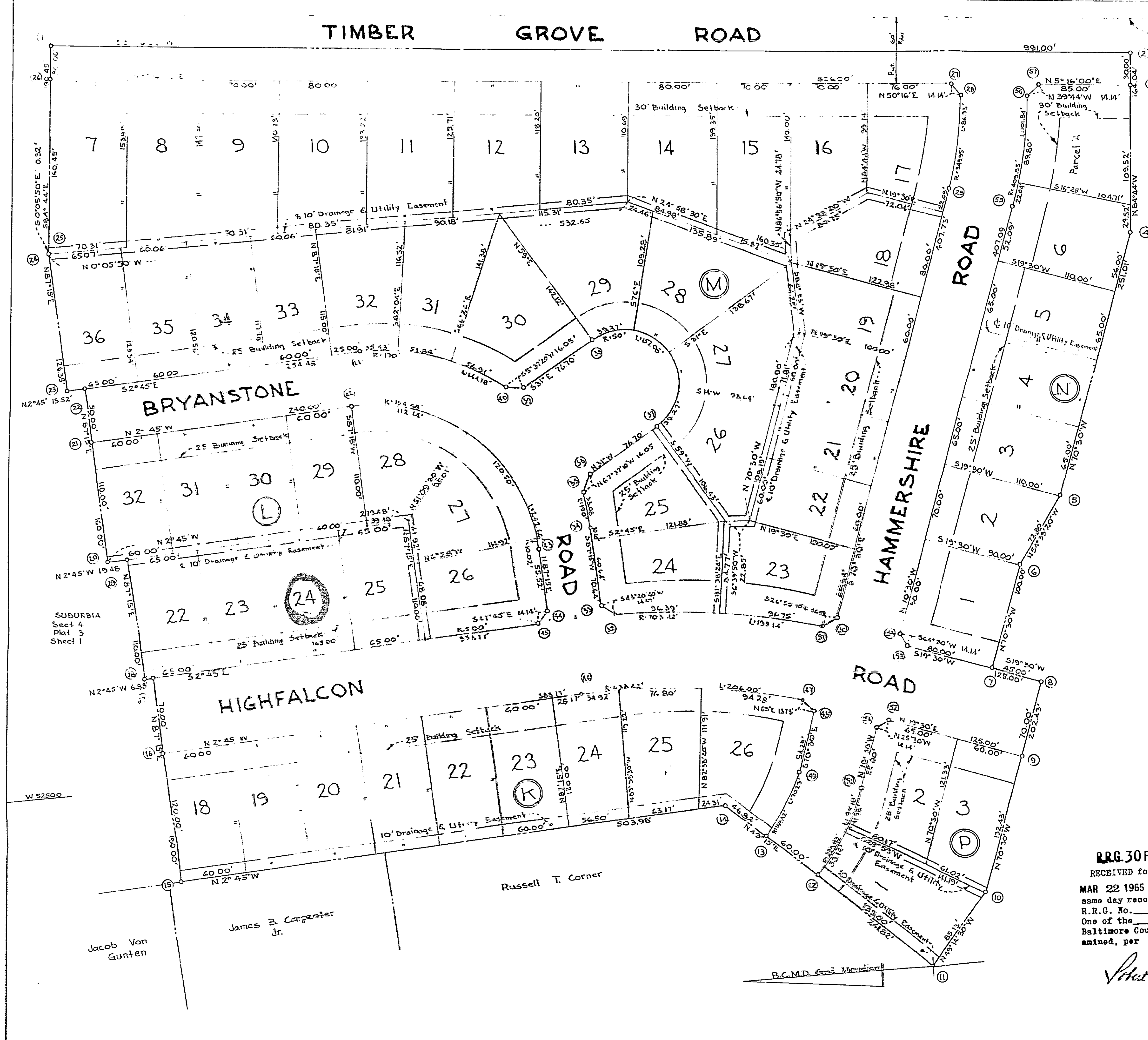
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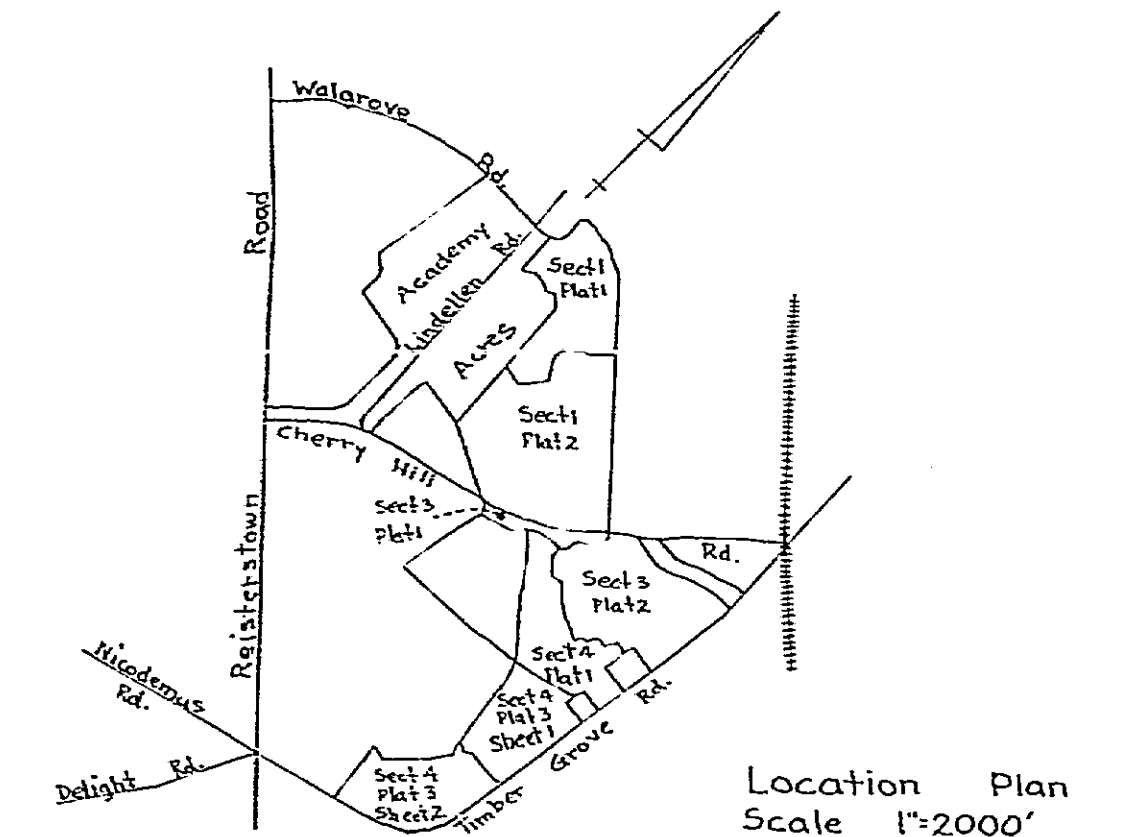
53



Note: Proposed future P.W. line as established by and required to be shown by the engineering dept. of Baltimore County.

COORDINATES			COORDINATES		
NO.	WEST	NORTH	NO.	WEST	NORTH
1	51814.28	54069.53	29	52016.24	53250.31
2	51905.94	53073.71	30	52400.58	53386.41
3	51935.82	53076.45	31	52401.14	53399.33
4	52069.29	53088.75	32	52379.10	53589.81
5	52305.90	53172.54	33	52369.10	53600.29
6	52365.21	53214.76	34	52298.54	53603.68
7	52459.48	53248.14	35	52265.80	53608.13
8	52414.50	53205.72	36	52250.95	53602.02
9	52540.48	53229.09	37	52211.45	53556.27
10	52665.32	53273.29	38	52125.74	53587.78
11	52729.80	53328.87	39	52165.24	53653.52
12	52637.30	53427.20	40	52163.67	53669.49
13	52596.19	53470.90	41	52117.87	53802.58
14	52564.11	53505.01	42	52168.51	53814.64
15	52588.29	54008.41	43	52315.40	53652.93
16	52468.43	54014.17	44	52370.86	53650.26
17	52398.51	54017.53	45	52381.32	53659.77
18	52398.84	54024.35	46	52449.80	53626.45
19	52288.96	54029.63	47	52473.26	53422.71
20	52289.90	54049.09	48	52485.49	53416.47
21	52180.03	54054.36	49	52596.66	53434.60
22	52130.08	54056.76	50	52556.49	53378.04
23	52130.85	54012.27	51	52504.84	53359.68
24	52004.62	54018.01	52	52498.76	53346.92
25	52004.62	54018.01	53	52432.77	53323.55
26	51844.85	54063.28	54	52420.01	53329.64
27	51920.67	53240.75	55	52056.27	53193.75
28	51931.55	53231.71	56	51937.05	53111.96
29			57	51928.01	53161.09

CURVE DATA			TABLE		
FROM	TO	RAD.	ARC	TAN	CHD. BEAR. & DIST.
29	28	349.95'	14°14'00"	86.93'	577°37'00"E 86.71'
56	55	409.95'	14°14'00"	101.84'	N 77°37'00"W 101.58'
13	49	169.42'	23°45'00"	70.23'	S 58°37'30"E 69.73'
50	12	223.42'	23°45'00"	95.10'	N 58°37'30"W 94.42'
32	31	703.42'	15°43'56"	193.14'	S 08°22'30"W 192.54'
47	46	633.42'	18°38'00"	206.00'	N 06°34'00"E 205.09'
43	42	154.48'	90°00'00"	242.66'	N 42°15'00"E 218.47'
41	40	190.00'	43°28'37"	144.18'	S 18°59'18"W 140.74'
35	34	190.00'	9°58'37"	33.08'	S 82°15'45"W 33.04'
38	37	50.00'	180°00'00"	157.08'	S 59°00'00"W 100.00'



RRG 30 FOLIO 84
RECEIVED FOR RECORD
MAR 22 1965 at
same day recorded in liber
R.R.G. No. 1010
One of the Records of
Baltimore County and ex-
amined, per
John A. ...
Clerk

SECTION 4 PLAT 3 SHEET 2
SUBURBIA
4TH DISTRICT BALTIMORE CO., MD.
OWNER: THE SANFORD LAND CO.
233 EQUITABLE BUILDING
BALTIMORE 2, MARYLAND

96-47-A

APPROVED BY PLANNING BOARD OF BALTIMORE COUNTY <i>[Signature]</i> DATE 3/17/65 DIRECTOR	APPROVED <i>[Signature]</i> DATE DEPUTY STATE & COUNTY HEALTH OFFICER	Coordinates and bearings shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations: X 2103 W 52884.46 N 52421.94 X 2104 W 52428.27 N 52489.49 X 2106 W 51912.98 N 53010.10 X 2107 W 51810.63 N 53401.44 X 2110 W 51580.50 N 53566.52 X 2111 W 51454.82 N 53589.05	THE SANFORD LAND COMPANY BY R.R. V.P.	H.F.S. T.F.R. 2/15/65 114 W 25th St. 1"=50' FEB. 15, 1965 Ap. Ex. 8
--	--	---	--	---